Opening - Welcome and Instructions

Christine Farley
Irene Calboli
Jorge Contreras
J. Glynn Lunney

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DAY 1: Thursday, February 11, 2021

3:30 - 4:00 p.m. EST: OPENING — Welcome and Instructions
Irene Calboli, Texas A&M University School of Law
Jorge Contreras, S.J. Quinney College of Law, University of Utah
Christine Haight Farley, American University Washington College of Law
J. Glynn Lunney, Texas A&M University School of Law

GROUP PICTURE

4:00 - 6:00 p.m. EST: PLENARY SESSION 1 — Race, Gender, and IP
Dan Burk, University of California, Irvine School of Law
Racial Bias in Algorithmic IP
Ann Bartow, University of New Hampshire Franklin Pierce School of Law
Ruth Bader Ginsburg’s Copyright Jurisprudence (with Ryan Vacca)
Dalindyebo Shabalala, University of Dayton School of Law
Solomon Linda Traditional Knowledge Pirate? Mbube, “The Lion Sleeps Tonight” and Traditional Knowledge
Bita Amani, Queen’s University Faculty of Law
Law, Race, and Alchemy: Exclusion(s), Existential Crises, and the Transformative Possibilities of Intellectual Properties
Carys Craig, Osgoode Hall Law School, York University (with Anupriya Dhonchak)
A Feminist Theory of Moral Rights: Creative Agency and Voices from the Margin
Moderator: J. Glynn Lunney, Texas A&M University School of Law

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DAY 2: Friday, February 12, 2021

12:00 - 2:00 p.m. EST: PARALLEL SESSION 1

SESSION 1.A. — Patents
Dean Alderucci, Carnegie Mellon University, Center for AI and Patent Analysis,
  On the Complex Automation of Patent Scope
Luz Sanchez Garcia, University of Murcia
  Can an Artificial Agent Be Considered an Inventor
Keith Robinson, SMU Dedman School of Law
  Enabling Artificial Intelligence
Jeremy Bock, Tulane University Law School
  Widening the Channel between Patents and Trade Secrets
Dennis Crouch, School of Law, University of Missouri
  Moving Toward Corporate Inventions

SESSION 1.B. — Trademarks
Christine Farley, American University Washington College of Law
  Brand New World
Ed Timberlake, Trademark Attorney, Adjunct Professor
  Searching for Understanding in Trademark Law
Lisa Ramsey, University of San Diego School of Law
  Trademarks, Free Speech, and Expressive Merchandise
Peter Karol, New England Law
  Albrecht Durer and the Aesthetic Roots of Trademark Law
Betsy Rosenblatt, University of Tulsa College of Law
  Legendary Houses: Voguing, Trademarks, and Transformation

2:00 - 3:00 p.m. EST: LUNCH BREAK
3:00 - 4:15 p.m. EST: PLenary Session 2 — The Impact of “Impact” in IP Scholarship: Citations, Downloads and Why We (Should/Don’t) Care

Gregory N. Mandel, Temple University Beasley School of Law
Leah Chan Grinvald, Suffolk University Law School
Kimberlee Weatherall, The University of Sydney Law School
Paul Heald, University of Illinois College of Law

Moderator: Christine Haight Farley, American University Washington College of Law

4:15 - 4:30 p.m. EST: BREAK

4:30 - 6:30 p.m. EST: Parallel Session 2

SESSION 2.A. — IP Theory/Innovation

Ryan Vacca, University of New Hampshire School of Law & Peter Menell, School of Law, University of California, Berkeley

Improving Intellectual Property Percolation

Rachel Sachs, Washington University in St. Louis School of Law

The Accidental Innovation Policymakers

Brian Frye, University of Kentucky. Rosenberg College of Law

Everything You Always Wanted to Know About Conceptual Law, But Were Afraid to Ask

Brenda Simon, California Western School of Law

Preserving the Fruits of Labor: Impediments to University Inventor Mobility

Christopher Seaman, Washington and Lee University School of Law (with Thuan Tran)

Intellectual Property and Tabletop Gaming: A Case Study in Innovation
SESSION 2.B. — Copyrights

Cathay Smith, University of Montana Blewett School of Law
   Weaponizing Copyright

Xiyin Tang, UCLA School of Law
   The Third Enclosure Movement and Restricting Access by License

Andrew Gilden, Willamette University College of Law
   Capacity and Copyright

Sean O’Connor, George Mason University, Antonin Scalia Law School
   Copyright, Science, and Federalism

Graham Reynolds, Peter A. Allard School of Law, University of British Columbia
   Copyright as (Progressive) Property

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DAY 3: Saturday, February 13, 2021

12:00 - 2:00 p.m. EST: Parallel Session 3

SESSION 3.A. — Health Law

Lisa Ouellette, Stanford Law School (with Daniel Hemel)
   Valuing the Vaccine

Ajoy Jose, Indian Institute of Technology Kharagpur (with Padmavathi M.)
   Traditional Medicinal Knowledge Protection under Biological Diversity Legislation in India

David Simon, George Washington University Law School
   Off Label Innovation

Bhupinder Singh, Christ (Deemed to be University) Delhi NCR
   TRIPS Regime and Public Healthcare: A Comparative Analysis

Laura Pedraza-Farina, Northwestern University, Pritzker School of Law
   The Intellectual Property Turn in Global Health
SESSION 3.B. — Trade Secrets and Employee Restrictions

Orly Lobel, University of San Diego School of Law
**The Contract Thicket**

Camilla Hrdy, University of Akron School of Law
**The Value in Secrecy**

David Levine, Elon University School of Law
**Compulsory Trade Secret Licenses**

Christopher Morten, NYU School of Law
**Regulatory Whistleblowers: A Case for Reviving Federal Regulators’ Power to Disclose Corporate Secrets**

Sharon Sandeen, Mitchell Hamline School of Law & Tanya Aplin, Dickson Poon School of Law, King’s College London
**Trade Secrets as Barriers to Data Access in the U.S. and EU**

2:00 - 3:00 p.m. EST: LUNCH BREAK

3:00 - 5:00 p.m. EST: PARALLEL SESSION 4

SESSION 4.A. — Digital Law and Copyright

Peter Mezei, University of Szeged
**Criminal Copyright Liability and Music ‘Piracy’: Capitol Records v. Thomas-Rasset**

Hannah Bloch-Wehba, Texas A&M University School of Law
**Content Moderation as Surveillance**

Jacob Victor, Albany Law School
**Copyright's Law of Dissemination**

Joanna Banasiuk, University of Bialystok
**Towards a Modern, More European Copyright Framework: How the European Union Creates Itself as a Leader in Copyright in the Digital Environment**

Rebecca Curtin, Professor of Law, Suffolk University Law School
**The Art (History) of Bleistein v. Donaldson Lithographing Co.**
SESSION 4.B. — Patents

Paul Gugliuzza, Temple University Beasley School of Law & Jonas Anderson, American University Washington College of Law

Federal Judge Seeks Patent Cases
Karen Sandrik, Willamette University College of Law

An Empirical Study: How District Courts Adjudicate Willful Infringement and Enhanced Damages
Amy Semet, University at Buffalo School of Law

An Empirical Study Comparing Patent Validity Challenges at the Patent Trial and Appeal Board vs. the Federal District Courts
James Hicks, UC Berkeley School of Law

Informative Patents? Predicting Invalidity Decisions with the Text of Claims
Jason Rantanen, Iowa College of Law

Who Appeals Patent Cases

5.00 - 5.15 p.m. EST: BREAK

GAME NIGHT 1

5:30 - 6:45 p.m. EST: ESCAPE FROM WIPIP CASTLE — ROUND ONE

7:00 - 8:15 p.m. EST: ESCAPE FROM WIPIP CASTLE — ROUND TWO

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END OF THE FIRST WEEK OF THE CONFERENCE
DAY 4: Thursday, February 18, 2021

12:00 - 2:00 p.m. EST: PARALLEL SESSION 5

SESSION 5.A. — Copyrights

Ned Snow, University of South Carolina School of Law
*The Tension Between Science and Creativity in the Copyright Clause*

Stefania Fusco, University of Notre Dame Law School
*The Enduring Value of the International Copyright Harmonization: A Response to Professor Asay*

Sean Flynn, American University Washington College of Law
*The Right to Research in Copyright: A Global Comparison of Statutory Limitations and Exceptions*

Akshat Agrawal, Delhi High Court
*Access to Culture Dialogues: Remodelling Copyright for “Substantive” Equality in Cultural Discourse*

Zvi Rosen, Southern Illinois University School of Law
*Examining Copyright*

SESSION 5.B. — Patents

Samantha Zyontz, Stanford Law School
*Who Builds on Uncertain Patents? Innovation During the CRISPR Patent Interference Proceedings*

Michael Meurer, Boston University School of Law
*A Comparison of Life Science and Hi-Tech Patent Licenses* (with Jorge Contreras)

Samuel F. Ernst, Golden Gate University School of Law
*Literary Tropes and Rhetoric in the Supreme Court’s Patent Law Opinions*

Sam Halabi, University of Missouri-Columbia School of Law
*The Coming Constitutionalization of Patentability*

Kristen Osenga, University of Richmond School of Law
*We Need a Vaccine, Not a Promise or a Pledge*
2:00 - 3:00 p.m. EST: LUNCH BREAK

3:00 - 4:15 p.m. EST: PLenary Session 3 — Why American WIP’ers Should Care About International Law

Jane Ginsburg, Columbia Law School, Columbia University
Jerome H. Reichman, Duke Law School, Duke University
Rochelle Dreyfuss, New York University School of Law
Jorge Contreras, S. J. Quinney College of Law, University of Utah
Moderator: Irene Calboli, Texas A&M University School of Law

4:15 - 4:30 p.m. EST: BREAK

4:30 - 6:30 p.m. EST: PARallel Session 6

SESSION 6.A. — Competition and Antitrust

BJ Ard, University of Wisconsin Law School

Competition With and Without IP in the Video Game Industry

Giuseppe Colangelo, University of Basilicata & Stanford Law School

Enforcing Copyright through Antitrust? The Strange Case of News Publishers Against Digital Platforms

Nikolas Guggenberger, Yale Information Society Project, Yale University

Essential Platforms

Liza Vertinsky, Emory University School of Law

Artificial Intelligence, Patents and Competition

Joy Xiang, Peking University, School of Transnational Law

IP Licensing, Antitrust Law, and Access to Essential Technologies
SESSION 6.B. — Copyrights

Glynn Lunney, Texas A&M University School of Law

The Copyright Tax

Avishek Chakraborty, School of Law, Christ University

To Copyright or Not to Copyright Application Programming Interfaces: A Never-Ending Tussle?

Nina Srejovic, Georgetown University Law Center

DNA: A Second Chance at a Logical Framework for Copyright in Information Technologies

Mark Lemley, Stanford Law School

Disappearing Content

Arunima Shastri, Kalinga University, Raipur

Analyzing the Intellectual Property Rights Framework of Visual Art with Special Reference to Graffiti and Street Art in Common Law Countries

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DAY 5: Friday, February 19, 2021

2:00 - 3:00 p.m. EST: Plenary Session 4 — Judicial Perspectives on Patent Jurisdiction

Judge Alan Albright, Western District of Texas

Judge Cathy Bencivengo, Southern District of California

Chief Judge Leonard Stark, District of Delaware

Moderators: Jonas Anderson, American University Washington College of Law,

Paul Gugliuzza, Temple University Beasley School of Law & Sapna Kumar,

University of Houston Law Center

3:00 - 3:15 p.m. EST: BREAK
3:15 - 5:15 p.m. EST — PARALLEL SESSION 7

SESSION 7.A. — Trademarks
Jeanne Fromer & Barton Beebe, NYU School of Law

The Future of Trademark Depletion in a Global, Multilingual Economy: Evidence and Lessons from the European Union

Jake Linford, Florida State University College of Law

An Information Theory of Bad Faith Trademark Use

Brad Biddle, Arizona State University College of Law (with Jorge Contreras & Vigdis Bronder)

Certification (and) Marks – Understanding Usage and Practices Among Standards Organizations

Jessica Kiser, Gonzaga University School of Law

The Reasonably Prudent Consumer of Alcohol

Alexandra Roberts, University of New Hampshire Franklin Pierce School of Law

Mark Talk: Making Secondary Meaning

SESSION 7.B. — Patents
Sean Tu, West Virginia University College of Law

Patent Examination and Examiner Interviews

Muhammad Zaheer Abbas, Faculty of Law, Queensland University of Technology


Mason Marks, Gonzaga University School of Law/Harvard Law School

Returning Patent Law to Its Social Justice Roots

Christa Laser, Cleveland-Marshall College of Law

Patent Law’s Path Dependence

Yaniv Heled, Georgia State University College of Law (with Ana Santos Rutschman and Liza Vertinsky)

The Need for the Tort Law Necessity Defense in Intellectual Property Law
SESSION 7.C. — Copyrights

James Heller, State University of New York Empire State College

What is the Appropriate Role of Juries in Copyright Trials?

Thomas Cotter, University of Minnesota Law School

Extra Territorial Damages in Copyright Law

Dmitry Karsh tedt, George Washington University Law & Sean Pager, Michigan State University College of Law

Volition and Intent in the Law of Direct Copyright Infringement

Emma Perot, University of the West Indies, St Augustine

The Conflict Between the Copyright of Paparazzi and the Right of Publicity of Celebrities

Tim McFarlin, Samford University, Cumberland School of Law

The Rhythm of Copyright

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DAY 6: Saturday, February 20, 2021

12:00 - 2:00 p.m. EST: PARALLEL SESSION 8

SESSION 8.A. — IP Theory

Tabrez Ebrahim, California Western School of Law

Right to Exclude in Islamic Property Law as Applied to Western Legal Systems

Nikola Datzov, University of North Dakota School of Law

After Nearly a Decade of Fruitless Wandering in Wonderland: Is Alice Lost or Presumed Dead?

Ester van Zimmeren, University of Antwerp

Exploring Trust Building Mechanisms for Specialized Intellectual Property Courts

Michael Carroll, American University Washington College of Law

The Right to Research in Intellectual Property Law

Eric Johnson, University of Oklahoma College of Law

An Intellectual Property Fix for Platformer Sales-jacking
SESSION 8.B. — Patents

Megan La Belle, Catholic University
(Im)Partial Patent Judges

Jonas Anderson, American University Washington College of Law

Boundary Issues: What Real Property Can Teach Patent Law about Boundary Disputes

Sarah Burstein, University of Oklahoma College of Law (with Saurabh Vishnubhakat)
Design Patents Across Institutions

Jorge Contreras, S.J. Quinney College of Law, University of Utah

The Open COVID Pledge at One Year: Update, Analysis and Prospects

Saurabh Vishnubhakat, Texas A&M University School of Law
Patent Office Hierarchy and Its Discontents

2:00 - 3:00 p.m. EST: LUNCH BREAK

3:00 - 5:00 p.m. EST: PARALLEL SESSION 9

SESSION 9.A. — Patents

Janet Freilich, Fordham University School of Law
Downstream Distortion

Andrew Michaels, University of Houston Law Center
Benefits of the Invention in Patent Law

Dana Beldiman, UC Hastings Law & Bucerius Law School
The Right to Repair: Towards an Environmental Justification

Leah Chan Grinvald, Suffolk University Law School and Ofer Tur-Sinay, One Academic College
Repairing Medical Equipment in the Time of Pandemic

Elizabeth Winston, Catholic University of America, Columbus School of Law
Bargaining for Innovation
SESSION 9.B. — Copyrights

Peter Lee, UC Davis School of Law
  Autonomy, Copyright, and the Structure of Creative Production
Giovanni Maria Riccio, University of Salerno (with Federica Pezza)
  Conservation and Restoration of Street Art: Striking the Line Between Protectable Common Goods and Inadmissible Musealization of Urban Spaces
Justin Koo, University of the West Indies, St Augustine
  Protecting Works of Mas – Contemplating the Protection of Carnival Costumes
Derek Miller, Harvard University Faculty of Arts and Science
  On Typographical Copyright, with Examples from Modern Drama
Annemarie Bridy, Google & Yale Information Society Project
  Testing the Server Test: Embedded Images and the Changing Scope of Online Public Display

5.00 - 5.15 p.m. EST: BREAK

GAME NIGHT 2

5:15 - 6:45 p.m. EST: FACULTY FEUD

6:45 - 8:00 p.m. EST: GAME RECAP, AWARDS, CONCLUSION

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END OF THE CONFERENCE