2-12-2021

Plenary Session 2 - The Impact of “Impact” in IP Scholarship: Citations, Downloads and Why We (Should/Don’t) Care

Christine Farley
Gregory N. Mandel
Leah Chan Grinvald
Kimberlee Weatherall
Paul Heald

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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