UNIVERSITY of HOUSTON | LAW CENTER
Institute for Intellectual Property & Information Law

IPIL/HOUSTON 2017

UPCOMING EVENTS:
32d ANNUAL FALL IP INSTITUTE
OCTOBER 6 – 8, 2016
GALVESTON, TEXAS

23d ANNUAL FALL LECTURE
NOVEMBER 10, 2016
DANIEL C.K. CHOW (OHIO STATE)
HOUSTON, TEXAS

14th ANNUAL SPRING LECTURE
MARCH 30, 2017
CHRISTOPHER SPRIGMAN (NYU)
HOUSTON, TEXAS

2017 NATIONAL CONFERENCE
JUNE 2 – 3, 2017
SANTA FE, NEW MEXICO

1991 – 2016

IPIL/HOUSTON at the UNIVERSITY OF HOUSTON LAW CENTER
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DEAN’S MESSAGE

The power of a legal education is seen in the skills and knowledge acquired to facilitate the creative process, whether involving words written on a page or software programs controlling a global communications network. Explosive developments in technology and commerce are continuously transforming the laws of Intellectual Property and Information Law.

The time is right to learn from the best, and the place to do that is here at the University of Houston Law Center. Our Intellectual Property & Information Law Institute is consistently ranked in the nation’s Top 10, according to U.S. News & World Report, and is known throughout the world for the strength of its faculty, scholarship, curriculum, and graduates. Students at the Law Center learn against the backdrop of Houston, the nation’s fourth largest city, and benefit from the wealth of intellectual capital in the area as the region thrives as an epicenter of business – domestically and in the global marketplace.

Whether your interest lies in traditional areas of Intellectual Property Law – Patent, Copyright, Trademark, Trade Secret – or the rapidly evolving field of Information Law – Internet, software, electronic commerce, databases – IPIL/HOUSTON has what it takes to help you realize your goal of a successful career in this growing field.

Please spend a few minutes reading about all we have to offer, and then come join us.

Leonard M. Baynes
DEAN, PROFESSOR OF LAW, AND MEMBER, IPIL AFFILIATED FACULTY
A LEARNING CENTER AT AN INTERNATIONAL CROSSROADS

As part of the UH Law Center, accredited by the American Bar Association, the Institute for Intellectual Property & Information Law is located in one of the largest and most diverse metropolitan areas in the United States. Houston is among the top five markets in the United States for IP & IL, with thousands of these specialists working in corporations, law firms, and universities. Indeed, the Houston Intellectual Property Law Association is among the most influential IP bar organizations in the country, boasting many leaders of national IP groups along with its active amicus and continuing legal education activities.

In addition to world-class law firms serving clients from Houston to Hong Kong and from Silicon Valley to Singapore, Houston hosts numerous multinational corporations and organizations that generate intellectual property: ExxonMobil, Shell, NASA, many information technology companies, and the distinguished institutions of the Texas Medical Center are just a few. UH’s strong presence in the region produces significant research opportunities for faculty and students alike.

For more information on Houston, visit www.houstontx.gov.

A CASE OF KOPA-KOLA:

ANATOMY OF AN INTERNATIONAL BRAND

The pervasiveness and importance of legal issues involving intellectual property and information law are easily illustrated. Consider the fictional case of KOPA-KOLA, a Caribbean-style soft drink formulated in the 19th century that has emerged as one of the more recognized brand names in the world. The KOPA-KOLA identity may be non-tangible, but it is shielded by a broad array of intellectual property and information law protections. A team of IP and IL experts defends the company’s branding from all who dare infringe, and any unwelcome foray into KOPA-KOLA territory instantly uncorks a polite but pointed legal response. When it comes to defending rights under intellectual property and information law, KOPA-KOLA is the real deal.
DEGREE OFFERINGS

APPROXIMATELY THREE DOZEN COURSES RELATING TO IPIL ARE OFFERED REGULARLY at the UH Law Center. All of these courses answer the degree requirements for the Doctor of Jurisprudence (J.D.) degree, and most apply to the Master of Laws (LL.M.) degree in intellectual property and information law.

J.D. PROGRAM
The UH Law Center offers both full-time and part-time programs leading to the J.D. degree. J.D. candidates must complete 90 semester hours and can customize their curricula with intellectual property and information law courses that reflect their individual interests. Students interested in applying to the J.D. Program should contact the Office of Admissions for an application at 713.743.2280 or lawadmissions@uh.edu. Applications also can be accessed at www.law.uh.edu/admissions/apply-now.html.

LL.M. PROGRAM
The LL.M. Program provides an academic environment for practicing lawyers who wish to expand their knowledge of intellectual property and information law. Only a limited number of candidates are accepted for full-time or part-time studies, and admissions are highly competitive. Applicants from the United States must hold a J.D. degree or equivalent from a law school accredited by the American Bar Association. Lawyers who hold law degrees from foreign countries must meet academic and English-language standards for admission.

LL.M. candidates must complete 24 semester hours of approved courses (including a minimum of 15 hours of IP and IL study), with a qualifying cumulative grade-point average. An optional thesis is available. Class scheduling and availability vary from year to year. Most IPIL courses are offered in the fall and spring semesters. Generally, IPIL courses are not available in the summer. Both full-time and part-time degree candidates are allowed a maximum of three years for in-classroom work and completion of the thesis. Thesis supervision occurs during the fall and spring semesters only. For details about the LL.M. Program, contact the LL.M. Coordinator at 713.743.2890 or llm@uh.edu, or visit www.law.uh.edu/llm.

VISITING STUDENTS
Second- and third-year law students in good standing at an ABA-accredited law school are eligible to spend a semester at the UH Law Center and to enroll in its IPIL curriculum as well as other upper-division courses. Participants are accorded “visiting” status and receive their law degrees from their home schools. Students interested in visiting at the UH Law Center should contact the Office of Admissions at 713.743.2280 or lawadmissions@uh.edu.

TRANSFER APPLICANTS
Students also have the option of applying for transfer to the Law Center. Transfer admissions are highly competitive. First consideration is given to applicants who have performed extremely well in their first year of law school. Applications with less than 22 graded hours will not be considered. Applicants must have completed all or most of the Law Center’s first-year required courses, which include Civil Procedure, Constitutional Law, Contracts, Criminal Law, Property, Torts, and Legal Skills and Strategy. Successful applicants may transfer a maximum of 30 semester hours of credit, with hours rather than grades to be noted on their final UH Law Center transcripts. Transfer credit will not be awarded for any course in which the student has earned lower than a “C.”
PRINCIPAL FACULTY

DAVID FAGUNDES  Professor of Law
A.B., Harvard College, J.D., Harvard Law School

Professor Fagundes' scholarship focuses on tangible and intangible property. He was Bigelow Fellow and Lecturer in Law at the University of Chicago, an associate at Jenner & Block, LLP, and a clerk to Judge David S. Tatel of the U.S. Court of Appeals for the D.C. Circuit. Professor Fagundes joined the Law Center faculty in 2016.

Subjects:  Property, Trusts & Estates, Statutory Interpretation & Regulation, Copyright Law, Trademark Law


For more information, visit Professor Fagundes' Web page at www.law.uh.edu/faculty.

PAUL M. JANICKE  Professor of Law
B.E.E., Manhattan College; J.D., New York University; LL.M., George Washington University

Professor Janicke is a recognized expert in patent litigation. He clerked at the U.S. Court of Customs & Patent Appeals in Washington, D.C., from 1969 to 1971 before joining the intellectual property firm of Arnold, White & Durkee, where he later served as managing partner. Professor Janicke joined the UH Law Center faculty in 1992.


For more information, visit Professor Janicke's Web page at www.law.uh.edu/faculty.

CRAIG JOYCE  Andrews Kurth Professor of Law
B.A., Dartmouth College; M.A., Oxford University; J.D., Stanford University

Professor Joyce is the founding author of the widely used casebook, Copyright Law (10th ed. 2016). His articles on copyright history and doctrine have appeared in numerous journals, including the Emory, Harvard, Houston, Michigan, UCLA, and Vanderbilt law reviews, and are cited regularly by the federal appellate courts. Joyce edited The Majesty of the Law (2003) for Supreme Court Justice Sandra Day O'Connor. He taught at the Institute on Chinese Law & Business in Beijing in Summer 2011 and 2012.

Subjects:  Copyright, Advanced Copyright Seminar, American Legal History, and Torts


For more information, visit Professor Joyce's Web page at www.law.uh.edu/faculty.

SAPNA KUMAR  Associate Professor of Law, George Butler Research Professor
B.S. (Mathematics), B.A. (Philosophy), The University of Texas at Austin; J.D., University of Chicago

Professor Kumar is a rising patent law scholar currently working at the intersection of public law and patents. She is also the 2012-2013 recipient of the Law Center's Faculty of the Year Award and the University's Teaching Excellence Award. From 2003 to 2006, she practiced intellectual property litigation in Chicago at Kirkland & Ellis LLP and at Pattishall McAuliffe. She then spent two years at Duke University Law School, where she was a faculty fellow and part of the Center for Genome Ethics Law & Policy. While at Duke, Professor Kumar taught a seminar in open-source software licensing. After completing her fellowship, Professor Kumar clerked for the Honorable Judge Kenneth F. Ripple on the U.S. Court of Appeals for the Seventh Circuit.
Subjects: Patent Law, Administrative Law, and Property


For more information, visit Professor Lipton’s Web page at www.law.uh.edu/faculty.

JACQUELINE D. LIPTON Baker Botts Professor of Law

B.A. (Melb.), B.A. (Hons.) (La Trobe), LL.B. (Hons) (Melb.), LL.M. (Monash), LL.M. (Cantab.), Ph.D. (Griffith), Ph.D. (Cantab.)

Professor Lipton is a recognized expert in the fields of cyberlaw, intellectual property law, and comparative/international commercial law. She has served on the faculties of major research universities in Australia, the United Kingdom, and the United States. Prior to that, she worked for two major Australian commercial law firms, and also as in-house counsel at a major Australian bank. She is the co-author of one of the leading cyberlaw casebooks in the U.S. market as well as several sole-authored monographs on digital technology and the law.

Subjects: Internet Law, Trademark Law, International Intellectual Property Law, and Data Privacy


For more information, visit Professor Lipton’s Web page at www.law.uh.edu/faculty.

RAYMOND T. NIMMER Dean Emeritus and Leonard H. Childs Professor of Law

B.A., J.D., Valparaiso University

Professor Nimmer is the author of over 20 books and numerous articles. Most recently, he has updated his five major treatises (listed below). He is a frequent speaker at programs worldwide in the areas of intellectual property, licensing, business, and technology law. He was Co-Reporter of Proposed U.C.C. Article 2B and Reporter of the Uniform Computer Information Transactions Act (UCITA). He has consulted for the National Science Foundation and the office of the Legal Advisor of the U.S. State Department. He is listed in the INTERNATIONAL WHO’S WHO OF INTERNET AND E-COMMERCE LAWYERS, as well as WHO’S WHO IN LAW, and as one of the Best Lawyers in America in numerous categories.

Subjects: Information Law, Internet Law, Commercial Law, and Business Law


For more information, visit Professor Nimmer’s Web page at www.law.uh.edu/faculty.

GREG R. VETTER HIPLA Professor of Law

B.S.E.E., Missouri University of Science and Technology, M.S., University of Missouri-Kansas City; M.B.A., Rockhurst University; J.D., Northwestern University

Professor Vetter is a leading expert on intellectual property as applied to software and the business of software, with particular emphasis on free and open source software. Prior to law school, he gained extensive business expertise in software design, management, and marketing through nine years of work experience in the software industry. After several years in law practice, he clerked for the Honorable Arthur J. Gajarsa on the U.S. Court of Appeals for the Federal Circuit in Washington, D.C., before joining the Law Center in 2002. Besides his duties at the Institute for Intellectual Property & Information Law since 2002, he has been an invited visitor teaching intellectual property law at three other law schools in that time frame: University of Texas at Austin School of Law (2006-07); University of Washington School of Law (Fall 2010); Texas A&M University School of Law (Spring 2015).


For more information, visit Professor Vetter’s Web page at www.law.uh.edu/faculty.
LEONARD M. BAYNES, Dean and Professor of Law, B.S., New York University; M.B.A., J.D., Columbia University

Dean Baynes joined the Law Center in 2015, bringing a national reputation as a communications law scholar, with specializations in business, media, and diversity issues. He has written more than 25 law review articles. His co-authored casebook, Telecommunications Law: Convergence and Competition, will appear shortly.

RICHARD F. DOLE, Bobby Wayne Young Professor of Consumer Law, A.B., Bates College; LL.B., LL.M., Cornell University; S.J.D., University of Michigan

Professor Dole assisted in drafting both the Uniform Trade Secrets Act and the Uniform Deceptive Trade Practices Act. His recent scholarship concerns remedies under the UTSA. Professor Dole's teaching interests include Bankruptcy, Commercial Law, Creditors' Rights, and Unfair Competition.

MICHAEL A. OLIVAS, William B. Bates Distinguished Chair in Law; Director, Institute of Higher Education Law & Governance; and Interim President, University of Houston - Downtown, B.A., Pontifical College Josephinum; M.A., Ph.D., Ohio State University; J.D., Georgetown University

Professor Olivas teaches courses in Higher Education Law and Entertainment Law as well as Immigration Law. He also has a regular radio show on the Albuquerque, NM, NPR station KANW, "The Law of Rock and Roll," in which he reviews legal developments in music and entertainment law.

DARREN BUSH, Leonard B. Rosenberg College Professor of Law, B.A., California State University, San Bernardino; Ph.D., J.D., University of Utah

Professor Bush previously served in the U.S. Department of Justice's Antitrust Division, with attention to state deregulation of electric utilities as well as mergers and anticompetitive conduct in wholesale and retail energy markets. He teaches Antitrust, Regulated Industries, Law & Economics, and Administrative Law.

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CARLYN BURTON, Osha Liang LLP  B.S., M.S., Emory University; J.D., University of Houston Law Center
AFSHEEN DAVIS, Rackspace  B.S., Texas A&M University; J.D., University of Houston Law Center
JOSH DAVIS, The Josh Davis Law Firm  B.S., Trinity University; J.D., University of Houston Law Center
CHRISTOPHER McKEON, Arnold, Knobloch & Saunders, L.L.P.  B.S., M.S., Texas A&M University; J.D., University of Houston Law Center
WILL SPROTT, Norton Rose Fulbright LLP  B.S. (Biomedical Engineering), Tulane University; J.D., University of Houston Law Center
ALEXIS STEINBERG, Gonzales Saggio & Harlan, L.L.C.  B.S., United States Naval Academy; J.D., University of Texas at Austin
ADVANCED TOPICS IN COPYRIGHT LAW SEMINAR provides students the opportunity for in-depth exploration of topics of interest to them, including technological, international, and historical problems in the field of copyright law. **3 CREDITS.**

ADVANCED TOPICS IN SOFTWARE PROTECTION provides students with a holistic view of software protection, focusing on legal issues concerning the protection and transaction of computer software, particularly with respect to trade secrecy, patent law, digital copyright, and licensing. **2 CREDITS.**

ADVERTISING AND MARKETING LAW covers both the law and commercial perspectives concerning the advertising and marketing industry. This survey includes treatment of issues from consumer protection, privacy, trademark, business torts, constitutional law, copyright, privacy, and other areas of law important to advertising and marketing. **2 CREDITS.**

ANTITRUST LAW explores the law and economics of antitrust policy and the methods for enforcing antitrust policy. Emphasis is placed on the issues of monopolization, mergers, price fixing, and state and local government actions impacting the competitive process. **3 CREDITS.**

ART LAW considers various national and international disputes involving the title and possession of works of art and cultural heritage. **2 CREDITS.**

BIOTECHNOLOGY AND THE LAW examines ethical, legal, and policy issues surrounding new medical technologies related to genetic information, including consideration of regulatory frameworks to ensure appropriate incentives for research and commercialization of biotechnologies. **3 CREDITS.**

COMMUNICATION LAW examines regulation and policy concerned with various forms of mass media in the US, including radio and television as well as telecommunications regulations, law, and policy. **3 CREDITS.**

COMPUTATIONAL LAW enables students to develop interactive models of legal issues or systems. Likely topics include decision theory, game theory, finance, statistics, network analysis, and computational linguistics. **3 CREDITS.**

COMPUTER CRIME emphasizes the federal criminal laws, particularly the Computer Fraud and Abuse Act, but will touch upon relevant state anti-spyware laws as well. Other topics include crimes related to corporate espionage, hacking, and misappropriation/infringement of intellectual property rights that involve a computer or a network. **2 CREDITS.**

CONSUMER LAW examines consumer law issues in both traditional and electronic/internet marketplaces, including an emphasis on the Texas Deceptive Trade Practices Act. **3 CREDITS.**

CONTRACT DRAFTING helps students prepare for drafting, reviewing, analyzing, explaining, and negotiating contracts. Typical contracts considered may include agreements involving employment, leases, distribution, services, licenses, stock-options, change-of-control, arbitration, and/or settlements. **3 CREDITS.**

COPYRIGHT LAW deals with the protection of the works of human intellect (literature, music, art, computer programs, etc.) under U.S. Code Title 17. **3 CREDITS.**

CULTURAL PROPERTY covers topics in the protection of intangibles as they relate to knowledge generated by indigenous people around the world, and also considers issues concerning knowledge derived from isolated populations. **2 CREDITS.**

DIGITAL TRANSACTIONS covers issues in software and online licensing, including the nature of remedies, warranties, and other obligations that arise from such transactions. **3 CREDITS.**

eDISCOVERY examines the increased impact of technology in the legal field, including significant changes in the way litigation, and specifically discovery, is handled. **3 CREDITS.**

ENTERTAINMENT LAW blends concepts and skills derived from intellectual property, contracts, and torts, with emphasis on recent Internet-based developments in the relevant entertainment industries. **2 CREDITS.**

ENTREPRENEURSHIP examines entrepreneurship and specifically considers the challenges and strategies typically encountered in becoming a successful entrepreneur, with particular emphasis on technology and the law relating to it. **3 CREDITS.**

FRANCHISE & DISTRIBUTION covers franchise regulation, disclosure, and registration, types of franchises, antitrust, unfair competition, trademarks, pricing, advertising, premises liability, and contract law. **3 CREDITS.**

GENETICS AND THE LAW examines ethical, legal, and policy issues surrounding new genetic technologies. **3 CREDITS.**

INFORMATION PRIVACY LAW SEMINAR allows students to focus on such topics as privacy and the media, privacy and law enforcement, surveillance law and national security, health and genetic privacy, associational privacy and anonymity, and privacy of commercial data. **2 CREDITS.**
INTELLECTUAL PROPERTY ADVANCED TOPICS SEMINAR is a treatment of specialized subjects in intellectual property law. 3 CREDITS.

INTELLECTUAL PROPERTY LAW SURVEY covers domestic intellectual property laws—patent, copyright, trademark, and trade secret—through statutes and cases, with attention to the needs both of non-specialty students desiring a one-time overview of the basics of IPIL law and of soon-to-be IPIL specialists seeking more detailed study. 2 CREDITS.

INTELLECTUAL PROPERTY STRATEGY AND MANAGEMENT examines the legal and managerial issues facing an intellectual property or information-based organization from its start-up phase through either an initial public offering (IPO) or an acquisition by another firm. 3 CREDITS.

INTERNATIONAL ENFORCEMENT OF INTELLECTUAL PROPERTY analyzes the enforcement of trademarks, patents, and copyrights beyond national boundaries. Special emphasis is placed on differences and similarities between the diverse national intellectual property enforcement systems. 2 CREDITS.

INTERNATIONAL INTELLECTUAL PROPERTY examines both international IP law itself and comparative aspects of IP law among major trading countries and regions of the world. 3 CREDITS.

INTERNET LAW is a survey of legal issues arising from the rapid growth of Internet and other online communications. Coverage includes intellectual property, First Amendment, criminal, and privacy issues. 3 CREDITS.

INTERSESSION COURSES, taught during the winter break, consider a variety of currently topical subjects such as data security, database protection, and privacy, as well as issues posed by pending and recently decided major cases. 1-2 CREDITS.

LICENSING AND TECHNOLOGY TRANSFER examines techniques for licensing rights in technology and the ways of employing and transferring such rights. 3 CREDITS.

LL.M. THESIS COURSE affords IPIL Master of Laws candidates the opportunity to produce thesis quality scholarship, under the supervision of IPIL faculty, in an area of intellectual property law or information law. 3 CREDITS.

PATENT LAW examines the substantive law of patents as a means for protecting inventive ideas. The course focuses on conditions necessary to obtain a patent, infringement, and enforcing patent rights through patent litigation. 3 CREDITS.

PATENT PROSECUTION considers substantive law and procedures governing the patent application process and emphasizes practical application of the rules to real-life situations. 2 CREDITS.

PATENT REMEDIES AND DEFENSES studies issues commonly arising in modern patent litigation. The course examines necessary parties, remedies, and affirmative defenses. 2 CREDITS.

PRIVACY AND DATA PROTECTION covers the basic principles of privacy and data protection law, including federal privacy statutes relating to surveillance, record-keeping, and health information, as well as state privacy statutes, the privacy-related activities of the Federal Trade Commission, and the privacy law in the European Union. 2 CREDITS.

PROCEDURE OF PATENT LITIGATION provides hands-on experience with issues that patent litigators face in day-to-day trial preparation, examining a hypothetical patent case from inception, through the Markman hearing, to trial, with additional attention to the relationship between district courts and the Federal Circuit in patent litigation. 2 CREDITS.

PROPERTY CRIME IN THE INFORMATION AGE melds two fields, criminal law and the law of information and intellectual property, with special focus on how the law protects information products from unauthorized use facilitated by the Internet and digitization. 3 CREDITS.

SPORTS LAW treats topics such as representation of the professional athlete in contract negotiations and endorsements, related intellectual property matters, the player-club contractual relationship, anti-trust and collective bargaining issues in amateur and professional sports, and sports tort liability. 2 CREDITS.

TAXATION OF INTELLECTUAL PROPERTY covers IP aspects of the Internal Revenue Code, including provisions that govern the development of intellectual property as well as internal and state tax ramifications. 2 CREDITS.

TRADE SECRETS surveys the practical aspects of trade secrets as they relate to protection by contract and operation of law, relationships of the parties, public law constraints, adversarial considerations, and licensing. 2 CREDITS.

TRADEMARK AND UNFAIR COMPETITION considers the evolution and practice of trademark and related unfair competition law, with emphasis on litigation strategy. 3 CREDITS.

TRADEMARK PROSECUTION provides hands-on training and instruction on the procedure of trademark prosecution, from pre-application searching through the filing of renewal documents ten years after registration. Discussion will focus on statutory law, case precedent, and the USPTO's Trademark Manual of Examining Procedure. 2 CREDITS.
2016 WORLD IP DAY
L-R: Jeff C. Dodd (Andrews Kurth LLP), Saima Kadir (Houston Public Library), Jacqueline Lipton (IPIL/Houston), John Harvey (University of Houston Honors College)

2016 IPIL COLLOQUIA
Andrea Matwyshyn
Northeastern University School of Law
with Greg R. Vetter

Woody Hartzog
Samford University
Cumberland School of Law
with Sapna Kumar

2015 FALL LECTURE
Ruth Okediji (Minnesota), 2015 Fall Lecturer
with Greg R. Vetter

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IN THE LIFE

2016 SPRING LECTURE
Mark Lemley (Stanford), 2016 Spring Lecturer
with Craig Joyce and Jacqueline Lipton

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WITH SAPNA KUMAR

2016 NATIONAL CONFERENCE
(SANTA FE, NEW MEXICO)

GILES RICH INTELLECTUAL PROPERTY
MOOT COURT NATIONALS
U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT
L-R: Kyle Miller (IPSO Internal VP), Tim Busse (IPSO President),
and Will Sprott (Team Coach, Norton Rose Fulbright US LLP)

MEG BOULWARE (UHLC ’75)
AND HARTLEY HAMPTON (UHLC ’77)
HOST CLOSING DINNER WITH CRAIG JOYCE

“CLASS PHOTO”
AUTHORSHIP IN AMERICA (AND BEYOND)
(SEE LIST OF PRESENTERS AND FELLOWS ON NEXT PAGE)
CONFERENCE PRESENTERS

SHYAMKRISHNA BALGANESH
University of Pennsylvania Law School
THE FOLKLORE AND SYMBOLISM OF AUTHORSHIP IN AMERICAN COPYRIGHT LAW
54 Hous. L. Rev. _____ (2016)

XINQIANG (DAVID) SUN
Beihang University, Beijing
AUTHORSHIP IN CHINA (AND BEYOND): AUTHORSHIP AND RELATED ISSUES UNDER THE CHINESE COPYRIGHT LAW OF 1990
54 Hous. L. Rev. _____ (2016)

WILLIAM (TERRY) FISHER
Harvard Law School
RECALIBRATING ORIGINALLITY
54 Hous. L. Rev. _____ (2016)

MOLLY SHAFFER VAN HOUWELING
UC Berkeley School of Law
AUTHORS VERSUS OWNERS
54 Hous. L. Rev. _____ (2016)

PAM SAMUELS
UC Berkeley School of Law
FUNCTIONAL COMPLICATIONS
54 Hous. L. Rev. _____ (2016)

CRAIG JOYCE
University of Houston Law Center
CO-MODERATOR WITH INTRODUCTION
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2013  ELIZABETH A. ROWE, University of Florida Levin College of Law
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2010  JANE WINN, University of Washington School of Law
2009  GREGORY N. MANDEL, Temple University Beasley School of Law
2008  MARGO A. BAGLEY, University of Virginia School of Law
2007  CLARISA LONG, Columbia University School of Law
2006  JOHN F. DUFFY, George Washington University Law School
2005  DAN L. BURK, University of Minnesota Law School
2004  DAVID J. FRANKLYN, University of San Francisco School of Law
2003  WILLIAM F. LEE, Hale & Dorr LLP
2002  HON. PAUL MICHEL, U.S. Court of Appeals for the Federal Circuit
2001  YSOLDE GENDREAU, Université de Montréal
2000  JERRE B. SWANN, Kilpatrick Stockton LLP
1999  JOSEPH STRAUS, Max Planck Institute for Innovation and Competition
1998  JOHN R. THOMAS, George Washington University Law School
1997  HON. NANCY LINCK, U.S. Patent and Trademark Office
1996  HON. GLENN ARCHER, PAULINE NEWMAN, AND EDWARD SMITH, U.S. Court of Appeals for the Federal Circuit
1995  DONALD S. CHISUM, Author, CHISUM ON PATENTS
1994  JOHN PEGRAM, Davis, Hoxie, Faithfull & Hapgood LLP
ANNUAL SPRING LECTURE

The Andrews Kurth Lectures: A Service and Tribute to Houston’s Distinguished Intellectual Property and Information Law Bar

PRIOR LECTURERS

2016 SPRING LECTURE
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Professor of Law
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University of San Diego School of Law

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University of California, Irvine School of Law

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United States Court of Appeals for the Federal Circuit

2005 F. Scott Kieff
Professor of Law
Washington University in St. Louis School of Law

2004 Jane C. Ginsburg
Morton L. Janklow Professor of Literary and Artistic Property Law
Columbia University School of Law
TRADE SECRETS

The chemical formula of KOPA-KOLA is a tightly guarded trade secret known only to a handful of company executives. What if someone penetrates the vault in the company’s headquarters, pirates the formula, and launches a new soft drink that mimics the taste and character of KOPA-KOLA? Thanks to the trade-secret protections found in intellectual property law, the core value of the company and its products will be secure—with the company lawyers reducing the would-be cola king to nothing more than a lightweight soda jerk.

PATSTATS.ORG

Online Patent Litigation Statistics

PATSTATS.ORG tracks case outcomes for 40 commonly arising issues in modern U.S. patent litigation. Offered as a free public service for courts, scholars, and practitioners of patent law, this resource provides research information on decisions rendered each quarter, from 2000 to 2013.

Decisions include the reported cases of the District Courts, the Court of Federal Claims, and the International Trade Commission. Reported and unreported Federal Circuit decisions also are incorporated.

PATSTATS.ORG issues include Validity Decisions, Enforceability Decisions, Procedural Defenses, Infringement Issues, Damages Calculations, and Special Factors.

To view these materials, visit www.patstats.org.

WATERCASES.ORG

Spirit Over the Waters

WATERCASES.ORG is a website containing Professor Janicke’s two legal archival libraries and a history article related to each. One library concerns the interstate disputes over diversion of Lake Michigan’s water for use in wastewater removal by Illinois. The second library is about the patent infringement cases of the 1920s and 1930s brought by a British patent owner against the cities of Milwaukee and Chicago. The patents covered the basic aspects of the activated sludge method of wastewater treatment, now the dominant method used worldwide. The patent applications were filed in the period 1914-1916.

To view these materials, visit www.watercases.org.
Resonant with marimbas, the upbeat island soundtrack heard on all radio and television advertising for KOPA-KOLA prompts a Pavlovian thirst for the soft drink. That fact is not lost on competitors, some of whom might feel an urge to pluck KOPA-KOLA’s chords and “steal the beat” for a tune that’s not all their own. Could KOPA-KOLA “stop the music”? That’s the province of the law of copyright.
TRADEMARK

With its distinctive cursive swirl, the calligraphic logo of KOPA-KOLA speaks to the quality and consistency of a beverage sold throughout the United States and in more than 100 other countries. The background colors of the graphics – a sharp orange defined in white – make it all the more memorable. Can a competitor mimic the logo to merchandise its own brand of soft drink?

Trademark protections are an integral part of intellectual property law. The applicable statutes and case law give KOPA-KOLA the legal “pop” to safeguard and defend the brand’s identity.

IPIL HOSTS LICENSING EXECUTIVE SOCIETY (LES) EVENT: IP & LICENSING BASICS

The course is taught by both legal and business experts to build practical understandings of core IP and licensing concepts.

IPIL HOSTS 2016 WORLD IP DAY: DIGITAL CREATIVITY & CULTURE REIMAGINED

An annual WIPO event typically held in collaboration with the American Intellectual Property Law Association (AIPLA) and the United States Patent and Trademark Office (USPTO).

SPECIAL EVENTS

SPECIAL EVENTS provide the opportunity for IPIL, other academic institutions, intellectual property and information law practitioners, and the judiciary to focus on current issues and to explore solutions for critical legal problems associated with creative expression and new technologies.
**STUDENT INTERESTS**

**IPSO** is the organization for students of intellectual property and information law at the University of Houston Law Center. It promotes awareness of intellectual property and information law issues at the UH Law Center, provides networking opportunities among students and intellectual property and information law practitioners in the community, and collaborates with IPIL in carrying out its various programs. See [www.law.uh.edu/organizations/ipso](http://www.law.uh.edu/organizations/ipso).

**STUDY ABROAD OPPORTUNITIES** are available to Law Center students. The North American Consortium for Legal Education (NACLE) at UH offers exchanges with member institutions in Canada and Mexico. UHLC J.D. and LL.M. students also have traveled to Europe to exchange ideas with counterparts from the Max Planck Institute in Munich and to tour the World Intellectual Property Organization and the World Trade Organization in Geneva.

**ANNUAL STUDENT COMPETITIONS**

IP students of the Law Center participate in many competitions, both locally and nationwide:

- Giles S. Rich Moot Court Competition
- Saul Lefkowitz Moot Court Competition
- AIPLEF Jan Jancin Award
- ABA/BNA Award for Excellence in the Study of Intellectual Property Law
- AIPLA Robert C. Watson Competition
- Federal Circuit Bar Association George Hutchinson Writing Competition

**HOUSTON INTELLECTUAL PROPERTY LAW ASSOCIATION**

HIPLA involves law students in a variety of its activities, including sponsorship of events of student interest, complementary attendance at professional monthly lunch presentations on intellectual property law topics, and administering a scholarship program for students of IP law. In addition, HIPLA offers student membership at nominal cost. See [www.hipla.org](http://www.hipla.org).

**THE HONORABLE NANCY F. ATLAS INTELLECTUAL PROPERTY AMERICAN INN OF COURT**

The Atlas IP Inn of Court includes in its mission participation by law students studying intellectual property law. Law students who become members of the IP Inn have the chance to participate in several dinners each year, and work with practicing IP attorneys as part of a pupillage group which presents to the dinner audience a topic concerning intellectual property or information law. See [http://inns.innsofcourt.org/for-members/inns/the-honorable-nancy-f-atlas-intellectual-property-american-inn-of-court.aspx](http://inns.innsofcourt.org/for-members/inns/the-honorable-nancy-f-atlas-intellectual-property-american-inn-of-court.aspx)

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**PATENT**

Every element of KOPA-KOLA’s presentation is carefully engineered to satisfy customers. When the company’s signature glass containers proved expensive to produce and difficult to recycle, KOPA-KOLA developed a new machine capable of extruding clear plastic renditions of the “original” bottle. Can the equipment receive patent protection? A machine is eligible for patent protection if its structure is new in some way – and the “newness” would not have been obvious to the engineer ordinarily skilled in that area. In a soft drink industry where shelf life is measured in weeks, 20 years is “time in a bottle.”
INFORMATION LAW

KOPA-KOLA sponsors contests that see shoppers register at local supermarkets for a chance to win substantial cash prizes. When each contest concludes, store chains submit the names and addresses of their KOPA-KOLA shoppers to a central database. But who owns the database? Data itself cannot be copyrighted, but new information law doctrines are emerging to protect a company’s database investments. KOPA-KOLA customers will rest easier knowing that their soft drink preferences will not spill into the public domain.

UH LAW CENTER’S LEGAL INFORMATION RESOURCES

LAW SCHOOLS ARE BUILT AROUND THEIR LIBRARIES.
The O’Quinn Law Library offers one of the region’s leading legal research facilities.

With a combination of print and electronic resources, the library supports the research needs of UH Law Center students and faculty, with exceptional depth in the IP, health law, tax, international law, and energy and environment specialties of the Law Center. The Judge Brown Admiralty Collection, Frankel Rare Books Library, and U.S. Government Depository documents round out the UH Law Center’s print collection.

The law library provides many specialized online databases, supplying information not available in the popular legal research services or in print. The integrated library system provides access to all the library’s print and online resources, as well as the research collections of the UH Libraries. Above all, our highly trained, service oriented lawyer librarians ensure that students and faculty receive the full value of our exceptional legal research library.

INFORMATION LAW

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The law library provides many specialized online databases, supplying information not available in the popular legal research services or in print. The integrated library system provides access to all the library’s print and online resources, as well as the research collections of the UH Libraries. Above all, our highly trained, service oriented lawyer librarians ensure that students and faculty receive the full value of our exceptional legal research library.
IPIL MISSIONS

**Provide** legal education of the highest quality in the fields of intellectual property and information law to help prepare law students and lawyers for the challenges of practicing law in a nationally and internationally integrated economy.

**Advance** the development of intellectual property and information law by promoting and disseminating research by UH Law Center faculty and by sponsoring excellence in IP and IL scholarship by others.

**Serve** Texas and the Nation by providing an internationally recognized center for the exchange of ideas on intellectual property and information law.

**Contribute** to international cooperation among scholars and practitioners in these fields from all nations.
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