Works-in-Progress Intellectual Property Colloquium Preliminary Program

Friday, September 10

2:00 – 2:30 p.m. Registration, Ground Floor Lobby, BU School of Law, 765 Commonwealth Ave.

2:30 – 2:40 p.m. Welcome, Dean Maureen O’Rourke and Michael Meurer Room 520

Each speaker gets 35 minutes. The first presenter in each panel should serve as moderator.

2:40 – 4:25 p.m. Session 1

Room 520 Alan Cunningham, QMIPRI, University of London, Regulating “Digital Rights Management”: The requirement for, and Rôle of, Equity

Sonia K. Katyal, Fordham University, Fair Use as Constitutional Prism

Room 570 Brett M. Frischmann, Loyola University of Chicago, An Economic Theory of Infrastructure and Sustainable Infrastructure Commons

Michael Meurer, Boston University, Entrepreneurs and Intellectual Property Law

Jonathan Zittrain, Harvard University, Democratic Platforms

Room 620 Robert Plotkin, Boston University, Program-Created Inventions: Software Patentability and Beyond

Noam Shemtov, QMIPRI, University of London, Reverse engineering, Roman law, and the “Public
4:25 – 4:40 p.m.  
**Break**

4:40 – 5:50 p.m.  
**Session 2**

**Room 520**  
*Michael Carroll*, Villanova University, Owning Music: From Publisher’s Privilege to Composer’s Copyright

*Deborah Tussey*, OCU Law School, Digital Music: Emergent Solutions

**Room 570**  
*Stacey Dogan*, Northeastern University, and *Joseph Liu*, Boston College, Copyright Law and Subject Matter Specificity: The Case of Computer Software

*Jacqueline Lipton*, Case Western Reserve University, The Law of Unintended Consequences: The Digital Millennium Copyright Act and Interoperability

**Room 620**  
*Christopher A. Cotropia*, Tulane University, “After Arising” Technologies and Patent Scope

*Gerard N. Magliocca*, Indiana University – Indianapolis, Trademark Regulation in Secondary Markets

5:50 – 6:30 p.m.  
*Cocktails, Barristers’ Hall, Ground Floor*

6:30 p.m.  
*Dinner, Barristers’ Hall*

**Saturday, September 11**

8:15 – 8:45 a.m.  
Continental Breakfast, Barristers’ Hall

8:45 – 10:30 a.m.  
**Session 3**

**Room 520**  
*Ann Bartow*, University of South Carolina, The Hegemony of the Copyright Treatise

*Bhamati Viswanathan*, University of
Pennsylvania, The Open Source Movement and Academic Copyright

**Margaret Ann Wilkinson**, University of Western Ontario, Allocating power over attribution and integrity in copyright

**Room 570**


**Thomas B. Nachbar**, University of Virginia, Monopoly, Mercantilism, and Intellectual Property

**Craig Allen Nard**, Case Western Reserve University, Constitutionalizing Patents: From Venice to Philadelphia (Andrew P. Morriss co-author)

**Room 620**

**Assaf Jacob**, Radzyner School of Law, Global v. Local - The story of a well-known mark

**Cédric Manara**, Temple University, Trademarks, languages, and the web

**Xuan-Thao Nguyen**, SMU, Nationalizing Trademarks: A New International Trademark Jurisprudence?

10:30 – 10:45 a.m. Break

10:45 – 12:30 p.m. Session 4

**Room 520**

**Llew Gibbons**, University of Toledo, Entrepreneurial Copyright Fair Use: Let the Independent Contractor Stand in the Shoes of the User

**Laura A. Heymann**, George Washington University, The Birth of the Authornym: Authorship, Pseudonymity, and Trademark Law

**Alfred C. Yen**, Boston College Law School, Liability With and Without Fault: Applying Tort Law to the Problem of Secondary Copyright Liability in the Internet Age
Room 570

Olufunmilayo B. Arewa, Case Western Reserve University, Cultural Autonomy and Cultural Hierarchies: Sacred Spaces, Intellectual Property and Local Knowledge.

Peter Yu, Michigan State University, Currents and Crosscurrents in the International Intellectual Property Regime

Room 620

Robert Bone, Boston University, Trademark Goodwill

Irene Calboli, Marquette University, The Case for Trademark Assignment in Gross? A Question of Goodwill

Mark P. McKenna, St. Louis University, Trademark Inefficiency: How Expanding Trademark Protection Distorts Incentives and Encourages Waste

12:30– 1:30 p.m. Lunch, Barristers’ Hall

1:30– 3:15 p.m. Session 5

Room 520

Ben Depoorter, Ghent University, Optimal Copyright Enforcement: Gentle Nudges vs. Hard Shoves?

Wendy Gordon, Boston University, Even NonExtremists Get the Blues: Copyright Adrift on Rhetoric Seas

Scott Kieff, Washington University, The Case against Copyright: A Comparative Institutional Analysis of Intellectual Property Regimes

Room 570

Michael Madison, University of Pittsburgh, Information Markets, Humanism, and the Intellectual Property Apocalypse

Dotan Oliar, Harvard University, The Origins and Meaning of the Intellectual Property Clause of the Constitution

Lior Zemer, University of Leicester, The Making of Lockeian Copyright, How Wrong Can We Go?
Room 620  Adam Candeub, Michigan State University, Common Carriage at the Crossroads

Christine Galbraith, University of Maine, Striking a More Appropriate Balance: A Website Owner’s Right to Exclude and the Public’s Interest in Obtaining Information.

Katherine J. Strandburg, DePaul College of Law, Too Much Information! Privacy, Rationality, Temptation and the Implications of “Willpower Norms”

3:15– 3:30 p.m.  Break

3:30– 5:15 p.m.  Session 6

Room 520  Carys Craig, York University, Resisting “Sweat” and Refusing Feist — Rethinking Originality after CCH

Dan Hunter, University of Pennsylvania, Amateur to Amateur

Siva Vaidhyanathan, NYU, Technopoly and Top-Down Culture: U.S. Copyright Trends and the Failure of the DMCA

Room 570  Nadine Farid, Harvard University, Gene Patenting and the Right to Health under International Human Rights Laws

Marcelin Tonye Mahop, QMIPRI, University of London, Sui generis access and benefit sharing laws for the protection of the biodiversity rights of rural communities in Cameroon and South Africa: the contexts and key elements

Joshua D. Sarnoff, American University, Consistency with Patent Law Treaties of Application Disclosure Requirements Regarding Origins of Genetic Resources and Traditional Knowledge

Room 620  James Bessen, Boston University, The Patent Litigation Explosion (Michael J. Meurer co-author)

Glynn S. Lunney, Jr., Tulane University, Direct
and Indirect Stock Price Reactions to Appellate Patent Decisions

Jay P. Kesan, University of Illinois, Adjudication and Settlement of Patent Disputes — An Empirical Study (Gwendolyn G. Ball co-author)