

WIPIP 2021



18th Annual Works-in-Progress Intellectual Property Colloquium (WIPIP)

ONLINE: February 11-13, 2021 & February 18-20, 2021

We are pleased to announce the 18th Annual Works-in-Progress Intellectual Property Colloquium (WIPIP 2021), which will be held online for two consecutive weekends on February 11-13, 2021 and February 18-20, 2021.

WIPIP 2021 is jointly organized by [American University Washington College of Law](#), [Texas A&M University School of Law](#), and [University of Utah S.J. Quinney College of Law](#). The academic organizers of WIPIP 2021 are [Irene Calboli](#), [Jorge Contreras](#), [Christine Haight Farley](#), and [Glynn Lunney](#).

WIPIP is an initiative created to provide a forum for academics—junior and senior—to present and discuss their intellectual property papers and works-in-progress with colleagues at other institutions and receive early feedback. For more information about the WIPIP Series, see <http://wipip.info>.

Conference Schedule & Program

The [conference program is available here for download](#).

Non-Presenting Attendees

The deadline to apply to attend as non-presenting attendees has passed. However, academics who would like to attend the conference can email the organizers (see above), who will consider the requests on a space available basis.

Costs

There is no registration fee or other costs associated with attending WIPIP 2021.

Technology and Access to the Conference

Zoom will be used as the online platform for WIPIP 2021. Each session will be conducted in “classroom” (Zoom “meeting”) style, where all participants are visible to each other and the speakers.

Only presenters and registered attendees will be allowed to attend the conference and will be given a password to access the relevant sessions.

All information related to presenters and attendees will be processed in accordance with relevant data privacy laws including CCPA and GDPR.

Questions

Please feel free to email any of the organizers with questions about participation in WIPIP 2021.

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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 Invalidation 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

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

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

COVID-19 Highlights Innovation Failures of the Current Patent-Based Innovation Model: What is the Way Forward?

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 Karshtedt, 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

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

END OF THE CONFERENCE