

Tulane University Law School

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Academics

Tulane Law School is pleased to have the opportunity to host the Sixth Annual Works in Progress Intellectual Property Colloquium.

Sixth Annual Works in Progress Intellectual Property Colloquium Friday and Saturday, October 3 and 4, 2008

The Works-in-Progress Intellectual Property Colloquium was first held in October 2003. The brainchild of Dr. Lunney and Dr. Meurer, the WIP IP Colloquium follows a conference protocol that was common in the field of economics, but relatively unknown in the field of law at the time. Specifically, rather than invite speakers and request presentations related to a specific topic within the field of intellectual property, the WIP IP Colloquium allows any scholar working in the field of intellectual property to present their current research projects in order to obtain feedback on their work. Since its inception, the WIP IP Colloquium has attracted scholars from the United States, Canada, and Europe. It has attracted both new and well-established scholars, and has attracted some of the leading figures in intellectual property law, such as Mark Lemley and Wendy Gordon.

In order to encourage involvement from scholars at a variety of schools and across the country, the WIP IP Colloquium has moved to a new school each year. This fall Tulane will be the first school to host the Colloquium a second time. The Colloquium will run from roughly noon on Friday, October 3, 2008 until 5 p.m. on Saturday, October 4, 2008, and we expect more than fifty presentations of current research and scholarship projects related to the field of intellectual property from scholars and related professionals from this and other countries.

For more information, feel free to contact Professor Glynn Lunney by e-mail at glunney@tulane.edu, or by telephone at 504.865.5987.

To register as a participant, e-mail Professor Elizabeth Townsend Gard at townsend@tulane.edu.

Note: Abstracts, Papers and PowerPoint presentations are available by visiting the Colloquium Schedule below:

- [Colloquium Schedule](#)
- [Registration and Paper Deadlines](#)
- [Hotel Accommodations](#)

Registration and Paper Deadlines

Please submit a title and abstract of your paper by August 15, 2008 to Professor Elizabeth Townsend Gard at townsend@tulane.edu. Full papers are due by September 15, 2008. We will have two categories: preliminary ideas in draft form and fully developed papers. Please indicate which category your paper fits. You will be able to upload the paper to the WIP IP 2008 "File Submission" page (forthcoming), along with any PowerPoint or other presentation materials needed for the conference.

For those planning to attend, but not present work, please e-mail Elizabeth Townsend Gard at townsend@tulane.edu by September 15, 2008.

The Colloquium is free of charge but participants must pay their travel expenses.

Hotel Accommodations

The following hotels are holding rooms at special rates for participants in this conference for check-in on **Thursday, October 2** and check-out on **Sunday, October 5, 2008**. When you call to make reservations, indicate that you are coming to New Orleans to attend the Tulane Law School Works in Progress Conference.

- **Avenue Plaza Hotel** - \$89.00 per night
<http://www.avenueplazahotel.com/>
2111 St. Charles Avenue
New Orleans, LA 70130 - [driving directions](#)
(504) 566-1212 or (800) 619-4831 (Nicole Quinn)
Deadline to book rooms at this rate is 9/2/2008. This hotel is on the St. Charles Avenue streetcar line.
- **Best Western St. Charles Inn** - \$99.00 per night
<http://www.bestwestern.com>

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fax 504.865.6710
admissions@law.tulane.edu

3636 St. Charles Avenue

New Orleans, LA 70115 - [driving directions](#)

(504) 899-8888 or (800)-489-9908

The deadline to book rooms at this rate is 9/5/08. This hotel is on the St. Charles Avenue streetcar line.

- **Hampton Inn Garden District** - \$119.00 per night

<http://www.hamptoninn.com/>

3626 St. Charles Avenue

New Orleans, LA 70115 - [driving directions](#)

(504) 899-9990 or (800) HAMPTON

Deadline to book rooms at this rate is 9/2/2008. This hotel is on the St. Charles Avenue streetcar line.

- **Hotel Monteleone (French Quarter)** - \$179.00 per night

<http://www.hotelmonteleone.com/>

214 Royal St.

New Orleans, Louisiana 70130 - [driving directions](#)

(504) 681-4457 or (800) 535-9595

Deadline to book rooms at this rate is 9/2/2008. This hotel is about 2 blocks from the St. Charles Avenue streetcar line.

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Proposed Schedule

Friday, October 3rd

12:00 Lunch

12:45-1:15 Welcome and Presentation of the TLS's Durationator software (works in progress)

1:20-2:45 First Session

Panel A – Room 257

Ford, [*The Copyrightability of Games*](#)

Greenberg, [*The Sly Rabbit and the Three C's: China, Copyright, and Calligraphy*](#), [Paper](#)

Lipton, [*To © or Not to ©: The Question for the Online Font Industry*](#)

Panel B – Room 251

Galbraith, [*Dying to Know: A Need for Genuine Public Access to Clinical Trials Results Data*](#)

Landers, [*Ordinary Creativity in Patent Law: An Artist within the Scientist*](#)

Mossoff, [*Rethinking the Problem of Patent Thickets: Lessons from the Sewing Machine Combinations of 1856*](#)

Panel C – Room 214

Bernstein, [*The User as an Inhibitor of Technological Progress*](#)

Candeub, [*Network Neutrality and Network Transparency*](#), [Paper](#)

Ponte, [*Preserving Creativity from the Problem of Endless Digital Exploitation: Has the Time Come for the New Concept of Copyright Dilution*](#), [Paper](#), [PowerPoint](#)

3:00-4:25 Second Session

Panel A – Room 257

Ridder, [*The Role of Copyright Policy in the Enforcement of Copyright Licenses, Information Contracts and Technological Protection Measures*](#), [Paper](#)

Snow, [*Burdens of Fair Use*](#), [Paper](#)

Young, [*From the Mouths of Babes: Protecting Infant Authors from Themselves*](#), [Paper](#)

Panel B – Room 251

Chiang, [*Levels of Abstraction and Patent Scope*](#), [Paper](#)

Schwartz, [*An Empirical Study of Patent Claim Construction Reversal Rates Across Technologies*](#)

Panel C – Room 214

Espinel, [*Pharmaceutical Data Protection - A new approach*](#), [Paper](#)

Gallagher, [*Under the Radar: Strategic Intellectual Property Litigation and Enforcement of Trademark and Copyright Claims*](#)

Travis, [*The Intellectual Property Interests of the Indigenous Peoples of Turkey and Iraq*](#)

4:40-6:05 Third Session

Panel A – Room 257

Giblin, [*P2P File Sharing and the physical/virtual divide*](#), Paper, PowerPoint

Heymann, [*Knowing How to Know: Secondary Liability for Speech*](#)

Yen, *Perfect 10 v. Visa and the Development of Third Party Copyright Liability*

Panel B – Room 251

Grynberg, [*Things are Worse than We Think: Trademark Defenses in a Formalistic Age*](#), Paper

Lockridge, [*Lanham Act Protections for Foreign Well Known Marks*](#)

Tushnet, [*Running the Gamut from A to B: Federal Trademark and False Advertising Law*](#)

Panel C – Room 214

Goldman, [*Economics of Reputational Information \(Oversupply Problems\)*](#)

McGeeveran, [*Endorsement, Identity, and Social Marketing*](#), Paper

6:30 Dinner

Saturday, October 4th

7:30-8:30 Continental Breakfast

8:30-9:55 Fourth Session

Panel A – Room 257

LaFrance, [*Lost in Translation: Comparing the Trademark Status of Abbreviations and Foreign Words*](#)

Pager, [*The Battle of Brunello: Cultural Icon vs. Global Commodity*](#)

Ramsey, [*Free Speech and International Obligations to Protect Trademarks*](#)

Panel B – Room 251

Nguyen, [*Justice Scalia's "Renegade Jurisdiction": Lessons for Patent Law Reform*](#), Paper, PowerPoint

Opderbeck, [*Patent Damages Reform and the Shape of Patent Law*](#), Paper

Torrance, [*Patents and Regress in the Useful Arts*](#)

Panel C – Room 214

Levine, [*The People's Trade Secrets*](#)

Seltzer, [*Cross-Cultural Partnership: A Relational Framework*](#)

Yu, [*Legal Transplants in the Digital Age*](#)

10:10-11:35 Fifth Session

Panel A – Room 257

Desai, [Eldred and Copyright's Hidden Assumptions: Heirs Matter \(But They Shouldn't\)](#), [Paper](#)
Gard and Townsend-Gard, *Copyright and Modernism: a Socio-Literary Economic Reading of the 1909 and 1976 Acts*

Olson, [First Amendment Limitations on Copyright: Beyond Kahle v. Gonzales and Golan v. Gonzales](#), [Paper](#)

Panel B – Room 251

Fusco, [Is the Use of Patents Promoting the Creation of New Types of Securities?](#), [Paper](#), [PowerPoint](#)

Lee, [Contracting to Preserve Open Science: The Privatization of Public Policy in Patent Law](#), [Powerpoint](#)

Winston, [The Role of the Public in Enforcing Patent Law: Qui Tam Actions and False Marking](#)

Panel C – Room 214

Boyden, [Once and Future Enclosure Analogy](#)

Long, [The Tyranny of Land and Culture](#)

Winn, [On-Line Access to Court Records](#), [Paper](#)

11:50-1:15 Sixth Session

Panel A – Room 257

Brauneis, [Transformation of Originality](#), [Paper](#)

Karl, [Finding Traditional Contours in the Common Law](#), [Paper](#)

Miller, [Hoisting Originality](#), [Paper](#)

Panel B – Room 251

Lindsay, ["Sucks"-type Domain Names and Criticism Sites under the UDRP: Critical Analysis of Persistent Controversies](#), [Paper](#), [PowerPoint](#)

Lunney, *Functional Is as Functional Does: A Unified Functionality Standard*

Panel C – Room 214

Liebler, [Political Economy and Intellectual Property of User-Created Content](#)

Ng, *Authorial Rights in the Copyright System*

Sichelman, [Game Theory, Quantum Mechanics, and Intellectual Property](#)

1:30 Lunch