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IP Law Program
George Washington University

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THE GENEVA CONNECTION

Geneva, Switzerland, has been a center for international intellectual property law since 1960; GW Law alumni arrived soon thereafter to make an impact.

In 1960, the United International Bureaux for the Protection of Intellectual Property (BIRPI) moved from Berne to Geneva. BIRPI administered the two great 19th century intellectual property treaties—the Berne Convention and the Paris Convention—and in 1967, gave over its duties to the newly-founded World Intellectual Property Organization (WIPO). WIPO has presided over the negotiation of many other IP treaties, and is now in charge of administering no less than 24. In 1995, another international organization moved in down the street from WIPO: the World Trade Organization (WTO), newly created by the Uruguay Round of negotiations of the General Agreement on Tariffs and Trade. Because the Uruguay Round included a pathbreaking IP agreement—the Agreement on Trade-Related Aspects of Intellectual Property Rights, or “TRIPS”—the WTO became another international organization playing a crucial role in the world of international IP. The presence of both WTO and WIPO in Geneva have cemented its status as the epicenter of international IP.

Many GW Law alumni have been drawn to Geneva by WIPO and WTO, and have played important roles in both organizations. In the case of WIPO, the GW connection starts right at the top, with the late Árpád Bogsch, WIPO’s second director general. In 1944, Bogsch enrolled as an LL.M. student in the evening program at GW Law. He came to the United States to work at the U.S. Copyright Office. While working there, he decided that he needed more knowledge of U.S. law, and IP law in particular. After three years of

GW WELCOMES JOHN WHEALAN

In May, GW Law appointed its first associate dean for intellectual property law studies, John M. Whealan, adding further knowledge and leadership to its internationally renowned IP program. Dean Whealan brings unique perspective and expertise to GW Law given his extensive experience in IP policy and litigation in all three branches of government. He also has more than ten years of teaching experience as an adjunct professor at Franklin Pierce Law Center, George Mason University School of Law, and Chicago-Kent College of Law.

Dean Whealan worked at the USPTO for more than ten years, the last seven as the deputy general counsel for IP law and solicitor, representing the agency...
part-time study, and a thesis on “A Comparative Study of the Copyright Laws of France and the United States of America,” Bogsch earned his degree. Bogsch’s connection to GW Law was not limited to his own studies. Because his salary at the Copyright Office was not enough to cover family expenses, his wife Pauline sought employment. The job she landed was secretary to the then-dean of the Law School, John Theodore Fey. To further cement the GW Law–Geneva connection, while attending classes, Bogsch met Gust Ledakis, a Michigan Law School alumnus who was teaching at GW. Ledakis would become Bogsch’s legal counsel at WIPO.

After nine years at the Copyright Office, Bogsch joined BIRPI and was soon appointed deputy director under George Bodenhausen. When WIPO was created in 1967, Bodenhausen became its director general. When Bodenhausen’s term ended in 1973 the WIPO General Assembly elected Bogsch as his successor. Bogsch was reelected three times; by retirement in 1979, he had served as director general for a record-setting 24 years.

Marybeth Peters (J.D. ’71) has been Register of Copyrights—the head of the U.S. Copyright Office—since 1994. In 1989 and 1990, she served as a consultant in copyright law at WIPO under her fellow GW Law graduate, Bogsch. “I enjoyed my time in Geneva and getting to know the work of WIPO and the staff,” says Peters. “My biggest surprise was the importance of words and interpretation of words. Jokes don’t translate. U.S. expressions frequently are misunderstood and found offensive or troubling. Choice of words in an international arena, especially one that demands diplomacy, is extremely important. I learned and continue to appreciate the importance of choice of words and tones of expression, and I think I returned to the U.S. with greater diplomatic skills.”

Peters also recalls some shock at WIPO’s computer culture. “When I arrived, there were no computers for professionals. My office had only paper, pencils, and pens. I asked for a computer. People were stunned (maybe even horrified) by my request. I was told only secretaries have computers. I could dictate or write by hand, or I could have an electronic typewriter. My request spread throughout WIPO and caused an uproar—secretaries thought I was trying to take over their jobs, and the professionals thought I was trying to make their jobs more clerical. Obviously, I was not off to a good start. However, as I was leaving, computers were being offered to certain members of the professional staff.”

WIPO is a huge organization with more than 1,500 employees, and many of them are GW Law alumni. One is Silvija Trpkovska (LL.M. ’01) head of the PCT Relations with Offices (Section II). But the size of the legal staff at WTO responsible for IP matters is tiny (the WTO IP Division staff has never numbered more than a dozen). Nonetheless, TRIPS has had an enormous impact on international IP law, and GW Law alumni have played important roles. At least three GW Law alumni have served on WTO IP staff: Xiaoping Wu (LL.M. ’99), Lauro Locks (LL.M. ’01), and Gustavo Vieira (LL.M. ’04).

Jayashree Watal, who had been a counsellor in the IP Division since 2001, also has a GW Law connection: she was a visiting scholar here from 1997 to 2000. Watal and Wu are still at the IP Division. Wu writes: “I am working on the issue of review by WTO members of Article 27(b) of the TRIPS Agreement, which deals with the extent to which plant and animal inventions should be covered by patents and how to protect new plant varieties, the issue of the relationship between the TRIPS Agreement and the UN Convention on Biological Diversity, and the question of the protection of traditional knowledge and folklore.” Wu joined the IP Division as a legal affairs officer in 2002, and holds the position of counsellor; she has also worked extensively on the important relationship between TRIPS and public health issues.

Locks is still at the WTO, but in 2007 moved to the Legal Affairs Division. His new boss is another GW Law alum, Bruce Wilson (J.D. ’86), who has directed Legal Affairs since 2002. Vieira is now in-house counsel at a Toronto television production company.

If it seems certain that Geneva will continue to be a world center for IP law, it seems just as certain that GW Law alumni will continue to go to Geneva to work at WIPO and WTO. Thus, for the foreseeable future, we can look forward to maintaining the “Geneva Connection.”

**Proceedings**

In the fall, GW Law hosted a symposium on the protection of “fact-based works”—databases, news reports, historical accounts, and the like—responding to the Supreme Court’s 1991 landmark decision in *Feist Publications Inc. v. Rural Telephone Service Co.* Ten professors from across the United States and Canada presented papers offering a wide variety of perspectives during the daylong symposium. The papers will be published by Edward Elgar Publishing Ltd. in a book edited by Professor Robert Brauneis. The Software and Information Industry Association co-sponsored the event and provided generous financial support.

The Law School also hosted a daylong workshop in the spring on the advantages and disadvantages of using prize funds to prompt medical innovation. The workshop, co-sponsored by Knowledge Ecology International, featured three panels of experts from academia, industry, and public interest groups, and an open discussion on medical innovation prize funds. One focus of discussion was a bill pending in the Senate, the “Medical Innovation Prize Fund Act of 2007,” sponsored by Sen. Bernie Sanders (I-VT). Professor John Duffy took the lead role in organizing the event at GW, and both introduced the workshop and co-moderated the closing discussion; Professor Michael Abramowicz spoke on one of the panels.
Dan Mark (J.D. ’08) was selected as one of five national finalists in the Grammy Foundation’s 10th Annual Entertainment Law Initiative (ELI) Writing Competition. Finalists received a monetary scholarship, publication of their winning entry in a major entertainment law journal, airfare to Los Angeles, accommodations, and tickets for the Grammy Awards show and other festivities. Mark wrote his paper on the Copyright Office’s recent application of the Copyright Act’s Section 115 compulsory license to ringtones. He identified negative consequences for songwriters and artists who may not wish to sanction the format, and argued that artists may look to state rights of publicity to prevent the commercial use and marketing of their personas and voices in this manner. Mark shares his account of his experience:

“The day after we arrived in Los Angeles, my fellow finalists and I presented our papers at the ELI Annual Scholarship Luncheon in front of more than 650 entertainment attorneys and industry members, including fellow GW Law IP alumni Ian Ballon (J.D. ’86) and Susan Heller, (J.D. ’82), with whom I will work next fall at Greenberg Traurig in Los Angeles. At breakfast, we had the opportunity to network with major record label executives, prominent entertainment law partners, and former ELI winners. That night we attended the MusiCares Person of the Year tribute dinner concert honoring the career of Aretha Franklin. The next day, we attended the nominee reception and presentation of lifetime achievement and special merit awards. Finally, on Sunday, we walked the red carpet to the Grammy Awards show and made our way to an after-party. The weekend was an incredible professional and personal opportunity; an experience I will not soon forget.

I am incredibly grateful to the GW Law faculty who encouraged my interest in IP and entertainment law. I am most indebted to Professor Roger Schechter, with whom I not only studied copyright and trademark law, but who has also become a friend and mentor as I have served as his research assistant. Thanks also to adjunct professor Jay Rosenthal, whose entertainment law seminar sparked my interest in ringtones and provided the inspiration for my winning ELI entry.

When I was deciding where to pursue my law studies, I chose GW Law because of its strong reputation in IP, and I could not be more grateful for that decision today. The combination of incredible faculty, numerous IP course offerings, the Munich IP seminar sparked my interest in ringtones and provided the inspiration for my winning ELI entry.

When I was deciding where to pursue my law studies, I chose GW Law because of its strong reputation in IP, and I could not be more grateful for that decision today. The combination of incredible faculty, numerous IP course offerings, the Munich IP Summer Program, and access and connections to externships with the FCC, the Digital Media Association, and the U.S. Copyright Office has helped me find my passion in IP and laid a strong foundation for my future career.”

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in all IP litigation and advising the agency on IP policy issues. Dean Whealan has argued approximately 30 cases before the Federal Circuit and was responsible for briefing and arguing more than 250 cases with his staff. In addition he assisted the solicitor general on virtually every IP case that came before the Supreme Court since 2000.

For the last year, Dean Whealan was detailed as counsel to the U.S. Senate Committee on the Judiciary to work on patent legislation, particularly the Patent Reform Bill.

Dean Whealan also has worked at the U.S. International Trade Commission where he litigated several Section 337 investigations, all involving IP matters. He also clerked for Judge Randall R. Rader (J.D. ’78) of the Federal Circuit and Judge James T. Turner of the U.S. Court of Federal Claims. He engaged in private practice at Fish & Neave in New York and worked as a design engineer for General Electric. The dean’s degrees include a J.D. from Harvard University, M.S.E.E. from Drexel University, and B.E.E. from Villanova University.
India IP Tour
A Success

GW Law sent its fifth annual IP delegation to India in late February and early March.

Tour highlights included a two-day, 12-panel IP Summit in Chennai; a “Dialogue with the Judiciary” in New Delhi, featuring six judges from India, the United States, and Japan; and a day-long mock trial of a patent case at Delhi University Law School, during which U.S. attorneys argued a case before U.S. judges, and Indian attorneys argued the same case before Indian judges.

Many India Project delegates represented leading technology companies, including Agilent, Apple, Caterpillar, Corning, Eastman Chemical, Eli Lilly, Ford Technologies, Fujitsu, Intellectual Ventures, IBM, Merck, Microsoft, Pfizer, Qualcomm, Ranbaxy, and Rohm & Haas. Others came from prominent law firms in the U.S., U.K., France, Germany, and India. The delegation also included several preeminent judges, including the Hon. Claudia Wilken of the U.S. District Court for the Northern District of California; the Hon. Randall R. Rader (J.D. ’78) of the Federal Circuit; the Hon. Dr. M.K. Sharma, chief justice of the Delhi High Court; and the Hon. Toshiaki Iimura of the Intellectual Property High Court of Japan. Participating academics included four GW Law faculty members: Dean Frederick M. Lawrence, Associate Dean Susan Karamanian, Professor Martin Adelman, and Professor Robert Brauneis—as well as Distinguished Professor Ananda Chakrabarty of the University of Illinois and Professor Katsuya Tamai of the University of Tokyo.

Alumni Testify at Hearing

At a recent Congressional hearing on the copyright law issue of “orphan works,” three of five attorneys called as witnesses were GW Law alumni. At the beginning of the hearing, the Hon. Howard L. Berman (D–CA), Chair of the House Subcommittee on Courts, the Internet, and Intellectual Property, introduced Marybeth Peters (J.D. ’71), Register of Copyrights; Allan Robert Adler (J.D. ’78), Vice President of Legal and Governmental Affairs for the Association of American Publishers, Inc.; and Karen C. Coe (J.D. ’05), Associate Legal Counsel for the United States Holocaust Memorial Museum. He then joked that having a law degree from GW must be a “requirement for being on the panel.”
TONY DUTRA (J.D. ’07)
I just joined BNA as legal editor for the Patent, Trademark & Copyright Journal, and am very happy with my first weeks.

ANASTASIA GRACHEVA (LL.M. ’07)
In summer 2007, I joined Microstrategy, Inc., as an associate for international commercial licensing. I found the job through GW Law’s Career Development Office Symplicity system. Previously, I worked in the legal department of Coca-Cola, where I addressed IP issues of subsidiaries in Eastern Europe.

SOPHIE JAKUBOWICZ (LL.M. ’04)
I live in Paris, where I began working for Ubisoft Entertainment as junior legal counsel in October 2006; I really like my job, and although I never really wanted to leave the U.S., this work makes up for it! It’s diverse and dynamic, and I’m very happy to work in the video game industry. I’m sure my previous experience and internships helped me to get this job.

ERIC LANE (J.D. ’02)
I recently launched Green Patent Blog (www.greenpatentblog.com), dedicated to discussion of IP issues in clean technology. I’m a patent attorney at Luce, Forward, Hamilton & Scripps in San Diego, where I am in the IP and clean technology and renewable energy practice groups.

ALAIN LAPTER (LL.M. ’05)
I recently began work as an associate at Blank Rome, where I am involved with litigation and licensing of copyrights and trademarks. Because I had come from the U.S. Patent and Trademark Office where I only worked on the prosecution of trademarks, branching out was critical in my decision to join the firm. After two years in government practice, I needed to make the transition to private practice not only for the more challenging and invigorating work, but because it was a necessary step in the development and furtherance of my career.

VANDANA MADIDANNA (LL.M. ’06)
I am working in Mumbai, India, as a senior associate at Anand and Anand, a law firm practicing in all areas of IP. I work with the firm’s Chemical and Pharmaceutical Patent and Regulatory Practice, though I sometimes handle patenting in other areas of technology. I work on patent filing, prosecution, compulsory licensing issues, infringement issues and some regulatory matters dealing with the India Drug Controller General’s Office. I don’t handle litigations directly, but I offer support in technical aspects, chiefly in pharmaceutical/chemical cases.

RAYMOND MILLIEN (J.D. ’97)
After stints as chief patent counsel at American Express and general counsel of Ocean Tomo, the country’s leading IP merchant bank, I founded The PCT Companies, a family of companies providing professional services for the 21st century knowledge economy. PCT seeks to be a “one-stop shop” providing professional services to help companies create, acquire, manage, dispose, protect and monetize IP assets. (www.pctcompanies.com)

JEFFREY MILLS (J.D. ’07)
I started at Sterne Kessler in August 2002 as a technical specialist, transitioned to a student associate in August 2003, and finally accepted an offer to be an associate starting in September 2007. I am now in the biotechnology practice group focusing on patent prosecution, opinion work, and some litigation.

MICHAEL S. MOORE (J.D. ’06)
I’m working in Portland, Oregon, for Klarquist Sparkman LLP. It’s a medium-sized firm, but we’re working nationwide for large companies. I get a ton of variety in what I’m doing. One day is computers, the next is litigation, the next is something mechanical involving a new invention. I’m having a great time in Portland, getting involved in the music scene and enjoying the city.

MITA MUKERJEE (J.D. ’07)
I worked at Sterne Kessler while attending GW Law, and accepted an associate position after graduation. I previously worked as a post-doctoral research scientist at Johns Hopkins. At some point, I realized that I could not keep working at the lab bench anymore, and decided to transition into law. IP law has been a perfect synergy of my interests. It was a bit challenging working and going to school at the same time, but it was well worth it as I am really enjoying working in this field.

ALEXANDRA PECHHOLD (J.D. ’06)
I spent the past year in Germany through the Robert Bosch Foundation Fellowship Program, developing professional goals and broadening cultural experiences, advancing transatlantic relations. I had work placements at the Federal Ministry of Justice in the Berlin Patent Law Division and in the Licensing and Transactions group at Siemens AG in Munich. Though the fellowship year is ending, I’ll stay in Munich: I have accepted a job offer as licensing counsel in the IP department at Siemens.

ALEC ROSENBERG (J.D. ’04)
I’ve been working in the Washington office of Arent Fox since 2006. After clerking on the U.S. District Court for the Eastern District of Virginia and spending five years in the litigation group of Covington & Burling, I have focused on trademark and copyright matters, engaged in projects from federal court litigation, to disputes in the Trademark Trial and Appeal Board, to prosecution, to IP advisory matters and beyond. I am a member of the Copyright Society of the USA and hope to draw the attention of local law students to that organization.

AARON SHOURIE (J.D. ’96)
Vice president, corporate counsel, SES Americom, Inc., a satellite communication provider, Princeton, N.J.: IP issues permeate my practice. I work on the technology and license agreements for the various technologies we use. I also head up legal support for my company’s IP-Prime service (www.ip-prime.tv) which enables phone companies and others to offer TV programming.

PETER SOCARRAS (J.D. ’07)
I joined Sterne Kessler as a summer associate in 2004, and stayed on as a student associate while a GW Law evening student; after graduation, I became an associate. From the beginning I have received high-level work. We have been expanding our litigation practice and are involved in important cases at the district, appellate, and Supreme Court level. About 75 percent of my practice is litigation.

MICHELLE WALTERS (J.D. ’02)
Krupka Leads ABA Section

Continuing the GW Law IP alumni tradition of national leadership, Pamela Banner Krupka (J.D. ’87) is chair of ABA Section of IP Law.

As this year’s chair, Krupka oversees the Section’s more than 60 committees and task forces in developing substantive positions in all aspects of intellectual property law. These positions are used in discussions with Congress, in the preparation of amicus briefs in the courts, and in debating policy within the Section itself.

This year, a primary focus of the Section has been patent law reform. Representing a variety of constituencies, the Section has had regular and active discussions with members of Congress and their staffs.

“Serving as chair of the oldest and largest organization of intellectual property lawyers in the country is both a great privilege and a lot of fun,” Krupka said. “Contributing to the ABA allows me to stay focused not only on the important intellectual property law issues of the day but also on fundamental issues involving the profession, including the importance of the rule of law and the independence of the judiciary. No other organization offers this kind of broad-based perspective.”

Krupka earned a B.S. in electrical engineering in 1980 from Purdue and worked as a semiconductor engineer for Texas Instruments until 1988. She has been an adjunct professor of law, is active in a variety of intellectual property organizations, and is a frequent speaker on IP topics.