



School of Law

B informed



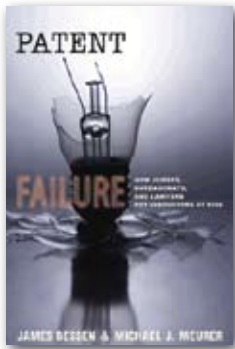
Intellectual Property Law News

Dynamic faculty fostering a dynamic field

Ranked #9 in the nation by *U.S. News and World Report*, BU's Intellectual Property Law Program brings together renowned faculty, leading IP Law experts and some of the brightest young minds in the country, creating an academic community that is at the forefront of this ever-changing field.

Patents and Innovation

Patent Failure: How Judges, Bureaucrats, and Lawyers Put Innovation at Risk



BU Law Professor and Michaels Faculty Research Scholar, Michael Meurer, is the co-author of a new, critically acclaimed book on patents and property rights, *Patent Failure: How Judges, Bureaucrats, and Lawyers Put Innovation at Risk*. Published by Princeton University Press, the book has received favorable reviews

from *London's Financial Times*, among others. Meurer and his co-author, economist and BU Lecturer in Law James Bessen, address how the patent system falls short in providing predictable legal boundaries, and offer reform proposals based on evidence from history, law and economics.

Prior to joining BU Law, Professor Meurer was a professor of economics at Duke University and later a law professor at the University of Buffalo. He came to BU Law in 1999, where he teaches courses in patents, intellectual property and public policy for the high-tech industry.

Professor Meurer has received several grants and fellowships, including the Smith Faculty Research Award, a grant from the Kauffman Foundation, two grants from the Pew Charitable Trust, a Ford Foundation grant, an Olin Faculty Fellowship at Yale Law School and a postdoctoral fellowship at AT&T Bell Labs. He has also consulted with government officials from developing countries about antitrust law and taught short courses in American intellectual property law at the University of Victoria and the National University of Singapore.

Professor Meurer will lead a conference on April 4-5, 2009 titled "What does the Economics of Property Law Teach IP Scholars?" More details will be published on BU Law's Web site, www.bu.edu/law.

“This is a pioneering and heroic effort to quantify the ways in which our patent system has failed to live up to its *raison d'être*: promoting innovation. The book will be controversial. But the authors make a forceful case that deserves to be heard.”

Eric Maskin, Nobel Laureate in Economics and Albert O. Hirschman Professor of Social Science at the Institute for Advanced Study

BU Law awarded Marion Kaufman Grant

Boston University School of Law has received a significant multi-year grant (\$443,000) from the Ewing Marion Kauffman foundation to conduct research on whether the law is tailored to promote innovation by small firms. This project will take into account a wide range of factors affecting innovation including: intellectual property law, the impact of patent reform on small firms, tax laws, access to knowledge and specialized human capital, strategic entry barriers and financing of innovation for small firms.

The Ewing Marion Kauffman foundation awards a limited number of multi-year research grants to law schools in the United States to conduct interdisciplinary research on topics related to the law, innovation and economic growth. The grants are awarded on a competitive basis.

The principal investigator for BU Law will be Professor Michael Meurer. Co-principal investigators are James Bessen, Iain M. Cockburn, Robert M. Hunt, Megan Macquarie, and BU Law Professors Kevin Outterson, David L. Walker and Charles K. Whitehead.

Faculty News

Professor Wendy Gordon

One of the world's leading experts in copyright law, Professor Wendy Gordon has been named as the Bacon-Kilkenny Distinguished Visiting Professor of Law at Fordham University for Spring 2009. She served as the Raymond and Mildred Van Voorhis Jones Visiting Professor of Law at the University of Illinois at Urbana-Champaign in the Fall of 2007. Her publications for 2008-09 include pieces on copyright and moral philosophy; patent law and human rights; and fair use.

Professor Gordon, a recipient of many honors, including a Fulbright scholarship, has taught and presented worldwide. Her writing has been published in numerous journals, including the *Yale*, *Stanford*, *Columbia*, *Virginia* and *University of Chicago Law Reviews*. Her scholarship has been cited in three opinions of the U.S. Supreme Court and she has twice served as the chair of the AALS Section on Intellectual Property.

Professor Ben Depoorter

Professor Ben Depoorter will be a visiting faculty member at BU Law in the Spring of 2009. Professor Depoorter is a graduate of Yale Law School (LL.M., 2003). He also holds a

J.D. and Ph.D from Ghent University and a master's degree from Hamburg University. Before he began teaching law, Professor Depoorter served as an editor of the *Yale Journal of Regulation* and conducted research as a John M. Olin Fellow in Law, Economics and Public Policy at Yale Law School. He was a Santander Research Fellow at U.C. Berkeley and a recipient of BAEF and Fulbright scholarships.

Professor Depoorter has authored over 20 scholarly publications, including recent and forthcoming articles in *Duke Law Journal*, *Oregon Law Review*, *Supreme Court Economic Review*, *International Review of Law and Economics* and the *Journal of Institutional and Theoretical Economics*. In recent years he has presented his writings at conferences and seminars at Yale Law School, Duke Law School, U.C. Berkeley, University of Toronto Law School, University of Texas School of Law, George Mason Law School, University of Illinois at Urbana-Champaign College of Law and Boston University School of Law.

Professor Depoorter's research focus is on intellectual property law, the role of litigation and settlements in society and the impact of technological developments on legal change.

Did You Know?

Tamar Frankel's role in the birth of the Internet Corporation for Assigned Names and Numbers (ICANN)

Since its inception, the Internet has grown into a boundless, technological arena for the most innovative entrepreneurs and intellectuals of this century. Until 1998, this global arena was in the hands of the United States. Under a U.S. government contract, John Postel managed Internet domain names and numbers. Later, Network Solutions Inc. held exclusive rights to the multimillion-dollar domain allocation industry.

As the Internet continued to expand, pressure mounted to commercialize and internationalize the Web address business. In 1997, President Clinton approved a White Paper declaring that the responsibility of allocating domain names such as .com, .org and .net would be turned over to a U.S. nonprofit corporation.

Disagreements among stakeholders, however, caused a standstill, and BU Law Professor Tamar Frankel was recruited to enter the fray. While she had no direct experience with Internet stakeholders, she had years of experience teaching and writing about corporate law and corporate governance. In 1998, she agreed to chair the International Forum on the

Alumni News

Daniel Bahls ('07) is a co-author with Wendy Gordon of "The Public's Right to Fair Use: Amending Section 107 to Avoid the 'Fared Use' Fallacy," in *Symposium: Fixing Copyright*, 2007 *Utah Law Review* 619 (2007).

Lincoln Bandlow ('93) is a partner at Spillane Shaeffer Aronoff Bandlow LLP in Los Angeles, where he practices media, First Amendment, copyright and trademark entertainment litigation. In the past, Bandlow has represented such clients as major motion picture studios, advertising agencies, publishers and television production companies such as The Casey-Werner Company.

William Finkelstein ('70) was named one of the Top Ten Entertainment Intellectual Property attorneys in California by the *Los Angeles and San Francisco Daily Journals* in 2008. He has been selected for his expertise and excellence in trademark law each year since 2003 in "Who's Who Legal USA: Trademark Law." He is a partner with Dreier Stein Kahan Browne Woods George, where he works in the firm's Intellectual Property & Technology Practice Group and has extensive experience in all aspects of U.S. and international trademark, unfair competition and licensing law. He also advises clients on copyright, franchising, marketing, branding, and related electronic commerce issues and is an experienced mediator.

Michael Fricklas ('84) is executive vice president, secretary and general counsel for Viacom, Inc. He is responsible for a global legal department of more than 200 in-house attorneys and the management of Viacom's law department and legal issues. Recently, Fricklas has brought actions against YouTube and Google for matters related to infringements of Viacom's copyrights. Fricklas was the 2007 recipient of the ACC's "Excellence in Corporate Practice" Award, which recognizes achievements in legal advocacy and counseling, service to the legal profession, public service, civic and community contributions, and business and legal contributions to the success of the recipient's in-house client.

Michael Gollin ('84), partner and patent attorney for Venable LLP in Washington, D.C., has written a new book titled *Driving Innovation: Intellectual Property Strategies for a Dynamic World*. The book, released by Cambridge University Press in March 2008, discusses both the basics of intellectual property law and its impact on a global scale. In addition to his private practice and authorship, Gollin teaches courses in strategic management of intellectual property at Georgetown University McDonough School of Business.

Brandy Karl ('03) is a Residential Fellow at Stanford Law School's Center for Internet & Society (CIS). She works with CIS on public interest litigation and projects involving copyright and technology issues.

Barbara Lauriat ('04) is a DPhil Candidate in Law at Balliol College in Oxford. She is a graduate teaching assistant in intellectual property, tutoring copyright and trademark law at the University of Oxford. She is also a general editor for the University's *Commonwealth Law Journal*.

Carolina Rossini ('08) is a research associate at the Berkman Center for Internet and Society at Harvard Law School for the Copyright for Librarians Project. Additionally, at the Diplo Foundation, she is working to coordinate a program on Internet and intellectual property law and governance. She also is involved with IQsensato, an independent, international not-for-profit development research and policy think-tank based in Geneva.

Shourin Sen ('07) published "The Denial of a General Performance Right in Sound Recordings: A Policy that Facilitates Our Democratic Civil Society" in the *Harvard Journal of Law and Technology*, Fall 2007.

Brent Sokol ('93) is a partner in Jones Day's Los Angeles office. Sokol represents industry leaders in intellectual property matters relating to patent, trademark and copyright licensing and litigation. As lead counsel for Mattel, Inc., he brought action for infringement of Mattel's Barbie trademark, resulting in payment to Mattel and a consent decree recognizing the mark.

White Paper, a series of meetings aimed at reaching consensus on the structuring of the Net's new governing body for names and numbers. As chair of meetings held in Reston, Virginia, Singapore and Geneva, Frankel was able to ease the tension amongst the parties. "What I find is that people who are tremendously sophisticated in the technical workings of the Internet are not necessarily knowledgeable in how to create an organization—especially one with no clear model," Frankel told the *New York Times* in 1999.

Professor Frankel's firm, guiding hand helped the conflicted stakeholders identify issues on which they could agree. Frankel was greatly helped by three cyber law experts: New

York Law Visiting Professor David Johnson, a former partner at Wilmer, Cutler & Pickering; Stanford Law Professor Lawrence Lessig, founder and director of the Stanford Center for Internet and Society; and Harvard Law Professor Jonathan Zittrain, co-founder and faculty co-director of the Berkman Center for Internet and Society. From this international consensus came the foundation for the Internet Corporation for Assigned Names and Numbers (ICANN). Currently ICANN defines itself as a "not-for-profit partnership of people from all over the world dedicated to keeping the Internet secure, stable and interoperable." Having completed her task, Frankel returned to her twin passions: teaching and writing.

Full-Time Faculty



Michael Baram
Professor of Law
Professor of Health Law
Boston University School of Public Health



Robert G. Bone
Professor of Law
Harry Elwood Warren Scholar



Joseph F. Brodley
Professor of Law
The Honorable Frank R. Kenison
Distinguished Scholar in Law



Alan L. Feld
Professor of Law
Maurice Poch Faculty Research Scholar



Tamar Frankel
Professor of Law
Michaels Faculty Research Scholar



Wendy J. Gordon
Professor of Law
 Paul J. Liacos Scholar in Law



Keith Hylton
Professor of Law
 Paul J. Liacos Scholar in Law



Michael Meurer
Professor of Law
 Michaels Faculty Research Scholar



Maureen O'Rourke
School of Law Dean
 Michaels Faculty Research Scholar

Adjunct & Part-time Faculty

James Bessen
Director and Founder
 Research on Innovation

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William S. Elias, II
General Counsel and Technology
Licensing Principal
 Draper Laboratory

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Associate
 WilmerHale

Val Gurvits
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 Boston Law Group, LLP

Jerrold G. Neeff
Principal
 The Bostonian Law Group

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