

# FOCUS ON INTELLECTUAL PROPERTY



At the vortex of Boalt's **top-rated** IP program is

the Berkeley Center for Law & Technology



(**BCLT**). This



issue of the *Transcript* cele-

brates **BCLT**'s 10th anniversary and chronicles



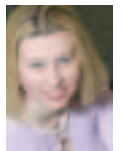
how faculty, staff and



alumni are making a differ-

ence in the world of

intellectual property.



We profile **BCLT**'s eminent **faculty** members and

stellar **students**. And we honor Boalt **alumni**

whose outstanding



work in this **dynamic** area of law

includes protecting the **IP rights** of Bugs Bunny to



fighting for our **cyber rights**.

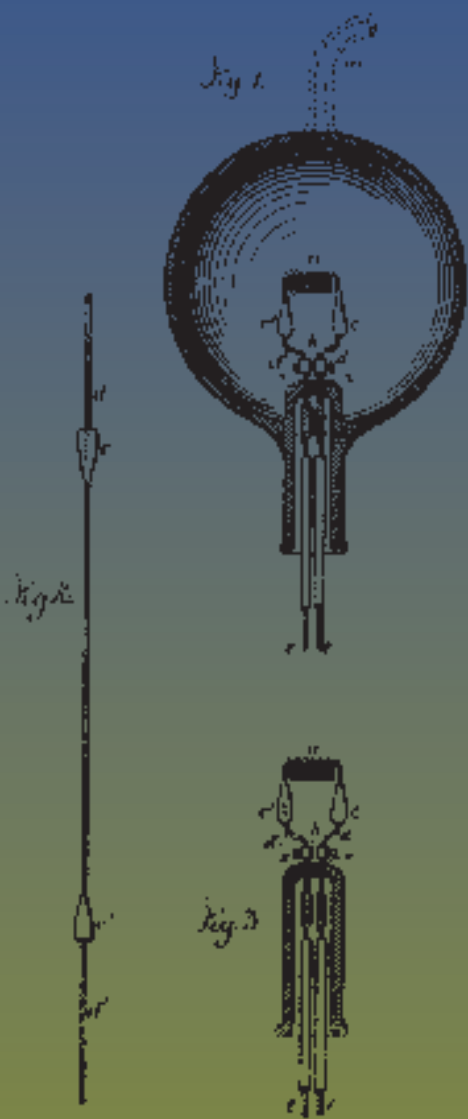
STORIES BY  
JESSE FREUND  
PHOTOS BY  
JIM BLOCK



T. A. EDISON.  
Electric-Lamp.

No. 223,898.

Patented Jan. 27, 1880



Inventor  
Thomas A. Edison

Witness  
Samuel W. Barrett

Witness  
Chas. M. Smith  
Geo. P. Mackay

1880

**I**t's no secret. For the seventh year in a row, *U.S. News & World Report* has rated the Berkeley Center for Law & Technology as the top intellectual property law program nationwide. Celebrating its 10th anniversary this year, the center is enjoying its unrivaled reign over the IP landscape. But accolades aside, it's no exaggeration to say that the center is on the cutting edge of IP curriculums, and its alumni command high demand in the IP practice marketplace.

The reasons for the center's success are many but its faculty deserve the lion's share of credit. Intellectual property expert Professor Peter Menell and patent scholar Professor Robert Merges co-founded the program in 1995 with the vision of a law program that focused on the role of technology and innovation in society and the economy. Since then copyright law pioneer Professor Pamela Samuelson and telecommunications law specialist Professor Howard Shelanski '92 have contributed their scholarship and helped to broaden the scope of the course curriculum. In 2000 policy expert Professor Deirdre Mulligan was tapped to head the Samuelson Law, Technology & Public Policy Clinic—the nation's first law school clinic to focus on the intersection of law and technology.

"As a student, I found that the faculty delivered an incredible level of analysis," says Lee Van Pelt '93, a founding partner at the patent law firm Van Pelt & Yi. "They really drive changes in intellectual property law. They foreshadow developments before they happened. And they provide great preparation for practicing patent law."

Largely it was the yeoman's work of the faculty that transformed a labor of love into a model for legal scholarship. At its inception, the center offered half-a-dozen classes, which, at the time, represented a bold experiment. Today the center serves up a menu of more than 20 courses—including those in antitrust, cyberlaw, patent law, trademark, telecommunications law, securities litigation, copyright and entertainment law. The courses provide an extensive classroom experience for IP law students; over 90 percent of Boalt students elect to take at least one IP class.

"No other IP law program can claim as many course offerings," says University of Michigan Assistant Law Professor Molly Van Houweling, who is visiting Boalt for the academic year. "It's unusual to have so many world-class IP law scholars in one place. The combination of the incredible research faculty and the out-

side experts brought in to teach makes the Berkeley Center for Law & Technology unique,” says Van Houweling, a former research fellow at the Berkman Center for Internet & Society at Harvard Law School and the Center for Internet and Society at Stanford Law School.

The success of BCLT, however, wasn't always assured. When Menell first hatched the idea for a law and technology program that broadened the traditional purview of patents, copyright and trademarks, the concept was deemed unnecessary and impractical. The vision ended up being revolutionary.

# Best in Class

BY JESSE FREUND

“There were no IP courses when I went to Boalt,” recalls patent lawyer Harold Hohbach '52, a founding partner in the groundbreaking San Francisco patent law firm of Flehr, Hohbach, Test, Albritton & Herbert. “There was one course on antitrust law. That was it. People either went to work at a patent law firm or the [United States] Patent Office to gain experience. Today's program is outstanding by comparison.”

In addition to its dynamic faculty, the center's location near so many technology innovators is also a key to its success. Indeed Boalt's proximity to the world's finest computer, biotech, multimedia, and digital entertainment companies helps to attract students and create opportunities for them once they graduate. But geography aside, a driving force of the center's rise to eminence has been its efforts to create something new and unique.

From the start, the center's faculty members were resolute in their desire for a program that encouraged leading-edge student

scholarship. This was no accident. There was already a long tradition of student interest in law and technology at Boalt. The student-run *Berkeley Technology Law Journal* is celebrating its 20th year in publication and together with the *Annual Review of Law and Technology* has defined the center as a leader in student authorship.

Hands-on activities at Boalt also go far beyond publishing. For the past four years, the Samuelson Law, Technology & Public Policy Clinic has provided an innovative experience for students interested in pursuing law and technology policy. Founded with a \$2 million endowment from Samuelson and her husband, Robert J. Glushko, and headed by Mulligan, the clinic acts as an autonomous law firm within Boalt. Students file *amicus* briefs in legal cases of national importance, help governmental bodies sort through the privacy implication of digital surveillance, and aid non-governmental organizations seeking to provide HIV medication in the Third World. The clinic offers a glimpse of tomorrow's technologies—and the hot-button legal topics surrounding them—as well as the future of law school education.

Aside from its student activities, the center owes much of its success to concerted faculty outreach. Conferences on emerging technology and law topics—legal protection for software, biotech and the law, digital rights management, and e-commerce—have established the center as a national think tank for the legal implications of new technology. Working on a global level, the center co-organized the international digital rights conference that took place this past January in Berlin. In early April, Berkeley will host its ninth international conference and this year it will focus on the regulatory challenges presented by spyware.

No doubt the center's powerful presence can be attributed to a variety of factors. But what really distinguishes the Berkeley Center for Law & Technology is the quality of its alumni. They command exceptional attention in the marketplace for IP lawyers. And while the Boalt education helps alumni on the job market it also helps employers to have the nation's brightest students.

“In my patent law class alone, there are 10 students with Ph.D.'s in computer science,” says Ranganath Sudarshan '06. “I'm surrounded by extraordinary people at Boalt. It's an incredibly vibrant community.” It's hard to predict the center's next 10 years. But if the previous decade is any indication, more great accomplishments are forthcoming.

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