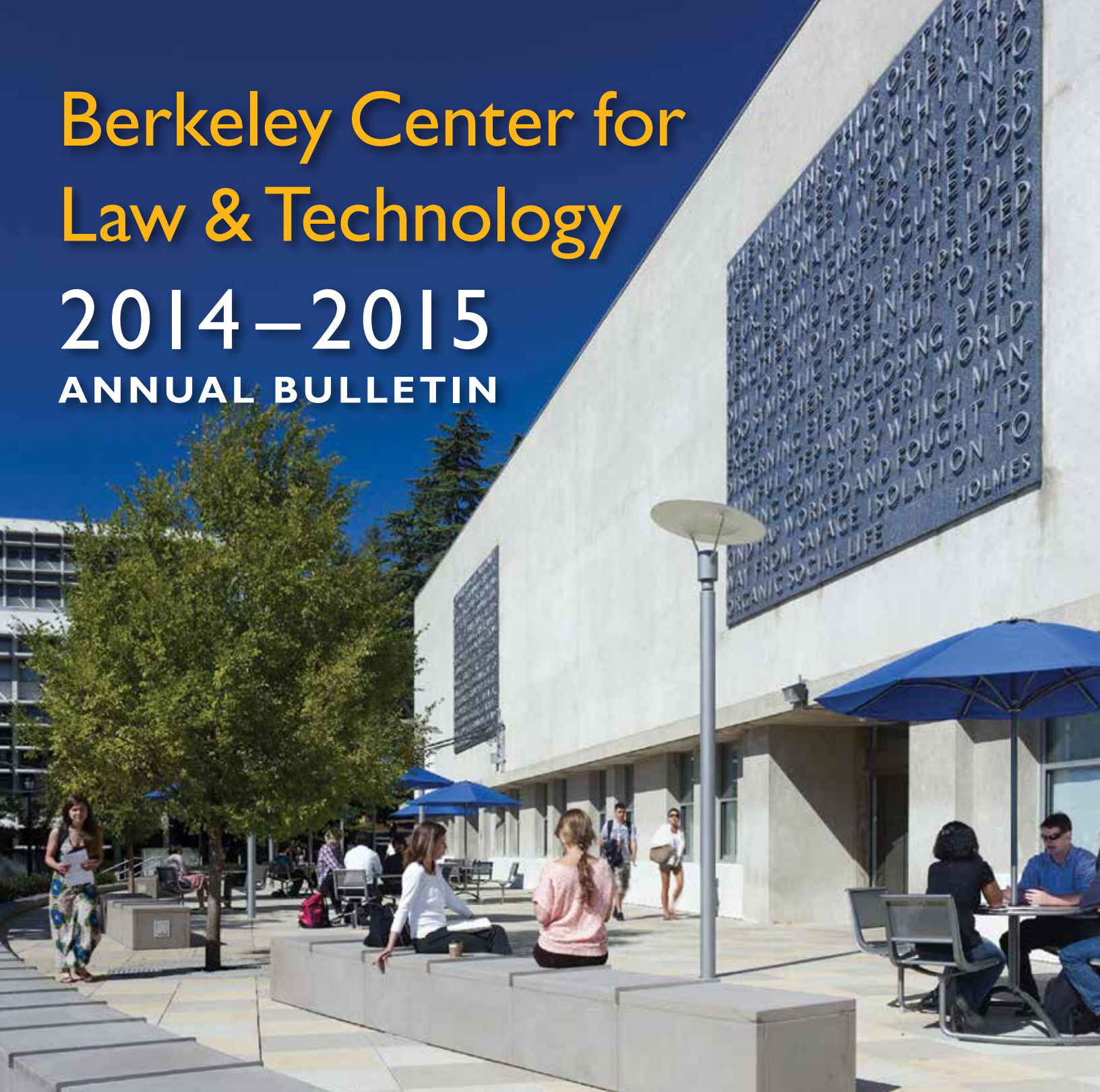


Berkeley Center for Law & Technology

2014–2015 ANNUAL BULLETIN



BERKELEY CENTER FOR
LAW & TECHNOLOGY





BERKELEY CENTER FOR LAW & TECHNOLOGY

ESTABLISHED IN 1995, the Berkeley Center for Law & Technology (BCLT) is a multidisciplinary research center at the University of California, Berkeley, School of Law. The first of its kind, BCLT has garnered worldwide distinction for its research and instructional program exploring the most pressing technology law and policy issues.

BCLT is uniquely situated in the San Francisco Bay Area, capitalizing on its location:

- at the world's foremost public research university;
- near Silicon Valley—the engine of the information economy; and
- at the heart of the biotech revolution.

Headed by Executive Director Robert Barr and an internationally esteemed faculty, BCLT frames and advances the law and technology discussion. Equally noteworthy is BCLT's global community of students, alumni, practicing attorneys, policymakers, and scholars in all sectors of law and technology, who participate with BCLT in a variety of academic, practical, and law reform activities.

Now entering its twentieth year as the foremost research and policy-oriented academic center, BCLT continues to excel in pursuit of its multifaceted mission to examine the complex questions raised by new technologies.

OUR MISSION

The mission of the Berkeley Center for Law & Technology is to foster the beneficial and ethical advancement of technology by guiding the development of intellectual property law, information privacy law, and related areas of law and public policy as they interact with business, science, and technical innovation.

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EXECUTIVE DIRECTOR



ROBERT BARR IS THE EXECUTIVE DIRECTOR of the Berkeley Center for Law & Technology and Lecturer-in-Residence at UC Berkeley School of Law. Prior to joining BCLT in 2005, he was the first Vice President of Intellectual Property for Cisco Systems in San Jose, California, where he was responsible for all of the company's patent prosecution, licensing, and litigation.

Robert has been a prominent patent attorney in Silicon Valley for over 30 years. He has degrees in Electrical Engineering and Political Science from the Massachusetts Institute of Technology and a J.D. *cum laude* from Boston University School of Law. He has been a partner at three major law firms, where he specialized in patent strategy counseling for clients in the computer, telecommunications, and semiconductor industries. In honor of his accomplishments, Robert's professional colleagues have created a scholarship in his name at the UC Berkeley School of Law. The scholarship is awarded each year to a 2L or 3L J.D. student who has demonstrated an interest in and commitment to the field of law and technology.

During his tenure as Executive Director, Robert has expanded the BCLT community, mentored countless students, and established a high standard of programming that uniquely combines academic and practical perspectives.

"BCLT is carrying out groundbreaking empirical research to expand the body of reliable knowledge about IP, privacy law, and cyberlaw, and we remain committed to offering the best possible education to tomorrow's leaders in technology law. Driven by our world-class law and technology faculty and our ever-expanding community of illustrious alumni, BCLT continues to earn its place as the premiere program of its kind in the country."

—ROBERT BARR,
BCLT EXECUTIVE DIRECTOR





BCLT RESEARCH & PROGRAMS

STARTING WITH A FOCUS on intellectual property, BCLT has expanded over the years beyond its intellectual property core to encompass crucial related subject matter fields, including privacy law, cyberlaw, electronic commerce, entertainment law, telecommunications regulation, and many other areas of constitutional, regulatory, and business law that are affected by new technologies.

Through its curricular development, conferences, symposia, judicial education programs, and other efforts, BCLT provides a forum where distinguished faculty throughout the university and beyond, law students, policymakers, and leading lawyers, entrepreneurs, and tech experts from all parts of the world can exchange and discuss ideas.



Audio, video, photos, slides, and other resources from BCLT events are online:

law.berkeley.edu/bclt/pastevents

For the latest information about BCLT events and programming:



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INTELLECTUAL PROPERTY

Over the years, BCLT's pioneering intellectual property program has provided not only unmatched educational resources but also a multitude of advanced scholarly and collaborative opportunities year-round. Students, scholars, attorneys, and policymakers meet at BCLT events to consider the complex policy and legal issues arising from technological developments and advancements in the contexts of patent law, copyright law, and other IP-related fields.

USPTO Software Partnership Meeting

October 17, 2013 – Berkeley, CA

BCLT hosted this public meeting held by the U.S. Patent & Trademark Office, bringing together stakeholders from the tech and software communities to discuss software-related patents.

Altai @ 21: Software Copyrights Revisited

October 25, 2013 – Berkeley, CA

BCLT hosted a day-long workshop gathering IP experts, both academic and in-practice, to look back to the influential 1992 Second Circuit Court of Appeals decision in *Computer Associates v. Altai* and to discuss the current and possible future state of software copyright law.



5th Annual Patent Law and Policy Conference

November 1, 2013 – Washington, D.C.

BCLT and Georgetown University Law Center together created this unique one-day program with in-practice, academic, government, and judicial experts on the role of the courts in patent law and policy.

14th Annual Advanced Patent Law Institute

December 12–13, 2013 – Palo Alto, CA

Co-organized by BCLT and Stanford Law School, a nationally recognized faculty of district judges, academics, litigation experts, patent attorneys, and senior IP counsel from major corporations looked in-depth at issues on prosecuting and litigating patents.



18th Annual BCLT/BTLJ Symposium: The Next Great Copyright Act

April 3–4, 2014 – Berkeley, CA

This two-day conference brought together noted scholars, policymakers, and representatives of numerous stakeholder groups to consider what changes could be made and how to work towards a comprehensive revision of U.S. copyright law.

Innovation and Intellectual Property: A Tribute to Suzanne Scotchmer's Work

May 1, 2014 – Berkeley, CA

A very special day-long event paid fond tribute to Professor Suzanne Scotchmer (1950–2014), one of the most important and influential economists of her generation.

Multistakeholder Forum on the DMCA Notice and Takedown System

May 8, 2014 – Berkeley, CA

This public meeting, initiated by the Department of Commerce's Internet Policy Task Force and led by the USPTO and NTIA, called for consensus building on improving the operation of the notice-and-takedown system under the Digital Millennium Copyright Act (DMCA).

Copyright Roundtable: Remixes, First Sale, and Statutory Damages

July 30, 2014 – Berkeley, CA

This timely USPTO-led roundtable discussion solicited public input on three important topics touching on the scope of current copyright law and its development in the digital environment.

14th Annual Intellectual Property Scholars Conference

August 7–8, 2014 – Berkeley, CA

BCLT hosted this year's IPSC, presenting a full two-day program in which IP scholars could come together to present and discuss a wide range of in-progress works.



PRIVACY

BCLT has developed the premiere privacy program for students and researchers working in this interdisciplinary field. The esteemed faculty includes several leading privacy experts with concentrations spanning international and comparative privacy law, online privacy law, consumer privacy law, and the law of surveillance. BCLT faculty also works with corporations and organizations as well as testifying before legislative hearings and government commissions on privacy law topics. BCLT hosts numerous events on cutting-edge privacy issues.

Privacy Roundtable: Pulling the Curtain Back to Reveal the New World of Web Tracking

October 16, 2013 – Palo Alto, CA

A panel of experts discussed the complex and invisible data ecosystem on websites, the business and legal implications, and the data governance decisions that companies face.



Developments in California Privacy Law: Assessing the Present and Predicting the Future

December 3, 2013 – San Francisco, CA

BCLT presented, in conjunction with Paul Hastings LLP, a privacy roundtable with leading experts and top policymakers to discuss the impact of recent changes in California privacy law and its likely future direction.

Online Tracking Workshop: Developing an International Consensus for Consumer Protection and Privacy Online

February 11, 2014 – Brussels, Belgium

Following up on a previous workshop, BCLT and the University of Amsterdam Institute for Information Law (IVIIR) reconvened policymakers, academics, and technical experts to revisit the state of online tracking technology as well as policy implications and efforts.

Civil Liberties, Privacy, and National Security: A Conversation with the Privacy and Civil Liberties Oversight Board

February 26, 2014 – Berkeley, CA

BCLT was a co-sponsor of this special event at UC Berkeley's School of Information, in which members of the U.S. Privacy and Civil Liberties Oversight Board discussed with commentators important current topics as well as the Board's role going forward.

Developments in California Health Privacy Law: Present and Future Trends

February 27, 2014 – San Francisco, CA

BCLT and Paul Hastings LLP presented a health privacy roundtable to discuss California health privacy law and why it matters more than ever.

3rd Annual BCLT Privacy Law Forum: Silicon Valley

March 14, 2014 – Palo Alto, CA

Leading academics and practitioners discussed the latest developments in privacy law and explored "real world" privacy law problems. This year's keynote speaker was Jan Albrecht, Member, European Parliament, and rapporteur for the Data Protection Regulation.

Big Data: Values and Governance

April 1, 2014 – Berkeley, CA

Co-hosted by BCLT, the White House Office of Science and Technology Policy (OSTP), and the UC Berkeley School of Information, this all-day workshop examined the policy and governance questions raised by the use of large and complex data sets and sophisticated analytics.



7th Annual Privacy Law Scholars Conference

June 5–6, 2014 – Washington, DC

Held jointly by BCLT and the George Washington University Law School, PLSC assembled a wide array of privacy law scholars and practitioners from around the world to discuss current issues and foster greater connections between academia and practice.



INTERNATIONAL CONNECTIONS

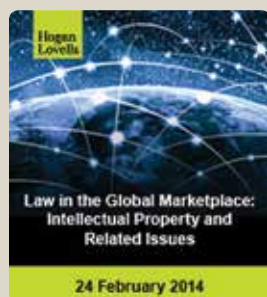
In today's interconnected world, intellectual property, privacy, and other technology law issues must be addressed on a global scale. Recognizing this, BCLT collaborates with international scholars, lawyers, entrepreneurs, public officials, and students to discuss and dissect differences in the IP and regulatory regimes of various countries and to confront important legal issues surrounding the international development of technology law. BCLT has strong working relationships with a number of international universities and organizations, including the Seoul National University Center for Law and Technology; Tel-Aviv University, Israel; and the Institute for Information Law, University of Amsterdam.



Law in the Global Marketplace: Intellectual Property and Related Issues

February 24, 2014 – San Francisco, CA

BCLT was a co-sponsor, along with Hogan Lovells, of this one-day summit hosted by UC Hastings featuring prominent judges, in-house counsel, and leading scholars addressing key issues in IP law on three continents: Asia, North America, and Europe.



JUDICIAL EDUCATION

Since 1998, Professor Peter Menell and BCLT, in conjunction with the Federal Judicial Center (FJC), have organized an annual intellectual property education program for the federal judiciary. These one-week training sessions have drawn more than 500 judges from across the country. Professor Menell has also organized numerous advanced programs on patent law, copyright law, trademark law, cyberlaw, and the interplay of IP and bankruptcy law for the FJC, as well as intellectual property presentations, panels, and symposia for various circuit court and district court conferences. The *Patent Case Management Judicial Guide, Second Edition*, by Professor Menell, Lynn Pasahow, James Pooley, Matthew Powers, Steven Carlson, and Jeffrey Homrig, is an authoritative treatise on all aspects of patent case management.

DIGITAL ENTERTAINMENT

BCLT is exploring challenges raised at the crossroad where entertainment law converges with digital media and technology. In addition to significant conferences and networking opportunities, innovative courses such as a music law seminar consider this increasingly popular and vital area of law, which involves a unique set of emerging—and rapidly changing—legal issues in traditional content, sports, and entertainment fields as well as new media.

21st Century Musician: Making a Living Making Music

February 8, 2014 – Berkeley, CA

Hosted by BCLT and co-presented by California Lawyers for the Arts (CLA) and the Sports and Entertainment Law Society of Berkeley Law, CLA's 31st Annual Music Business Seminar assembled students, musicians, music industry professionals, and entertainment attorneys to discuss the current state of the music industry.

Legal Frontiers in Digital Media

May 15–16, 2014 – Mountain View, CA

BCLT cohosted the 7th annual conference, exploring emerging legal issues surrounding digital content in today's multiplatform world, including digital video convergence, scraping content, digital media in the age of NSA surveillance, online advertising and privacy regulations, and mobile legal issues.



BCLT FACULTY & STAFF

BCLT'S RENOWNED FACULTY produces high-quality, high-impact scholarship, research, and policy initiatives. The range and depth of their expertise and their skill as instructors combine to form the most comprehensive and advanced academic program in law and technology in the country.

BCLT faculty members also play a direct and influential role beyond the academic setting, participating in public policy debates, testifying before federal and state congressional hearings, performing advisory roles, and submitting *amicus curiae* briefs in important cases.

IN MEMORIAM: SUZANNE SCOTCHMER

January 23, 1950 – January 30, 2014



Suzanne Scotchmer, professor of law, economics, and public policy, earned her undergraduate degree in economics from the University of Washington and an M.A. in statistics and a Ph.D. in economics from UC Berkeley. She was at Harvard University from 1981 to 1986 before returning to Berkeley for the rest of her career, first as an assistant and associate professor of public policy in 1986, then becoming a professor of economics in 1995 and a professor of law in 2008. She joined BCLT as a faculty director in 2008. In addition, she held multiple academic appointments, served on numerous committees and boards, and notably consulted with the U.S. Court of Appeals for the Federal Circuit.

Professor Scotchmer's main scholarly interest was examining the economics, policy, and law of innovation, making major contributions to applied economic theory, in particular club theory, evolutionary game theory, and models of innovation with an emphasis on patents and other incentives for research and development. She was celebrated in particular for her seminal 1991 article, *Standing on the Shoulders of Giants*, and her groundbreaking book, *Innovation and Incentives* (2004).

Brilliant, tireless in her enthusiasm, and an inspiration to so many, Suzanne will be missed by all in her BCLT family.





Kenneth A. Bamberger

administrative law, technology and governance, information privacy and data governance, the first amendment

Ken Bamberger is an expert on government regulation and corporate compliance, especially with regard to issues of technology, free expression, and information privacy. Professor Bamberger's research more generally covers risk regulation, the use of technology in regulation and compliance, and the role of private actors in regulation. *Privacy on the Ground*, his groundbreaking study of corporate privacy practices in the U.S. and Europe (conducted with Professor Deirdre Mulligan), will be published by MIT Press in 2015.

Recent Publications

Privacy in Europe: Initial Data on Governance Choices and Corporate Practices, 81 *George Washington Law Review* 1529 (2013) (with Deirdre K. Mulligan)

*Selected as a top privacy paper of 2013 by the Future of Privacy Forum

What Regulators Can Do to Advance Privacy Through Design, *Communications of the ACM*, Vol. 56 No. 11 (2013) (with Deirdre K. Mulligan)

PIA Requirements and Privacy Decisionmaking in U.S. Government Agencies, in *Privacy Impact Assessment* (Wright & De Hert, eds.) (2012) (with Deirdre K. Mulligan)



Chris Jay Hoofnagle

privacy, computer crime, online advertising, web privacy measurement

Chris Hoofnagle is Director of Information Privacy Programs for BCLT. His research focuses on the structure of legal and economic relationships that lead to tensions between firms and individuals manifested through information privacy problems, gaps in understanding of legal protections, deficits in consumer law protections, and the problem of financial fraud. Professor Hoofnagle has written extensively in the fields of information privacy, the law of unfair and deceptive practices, consumer law, and identity theft. He has also written on payments technologies with a focus on mobile payments, consumer attitudes toward and knowledge of privacy law, identity theft, the First Amendment, and the government's reliance on private-sector databases to investigate citizens.

Recent Publications

Alan Westin's Privacy Homo Economicus, 49 *Wake Forest Law Review* 261 (2014) (with Jennifer M. Urban)

The Price of 'Free': Accounting for the Cost of the Internet's Most Popular Price, 61 *UCLA Law Review* 606 (2014) (with Jan Whittington)

Privacy and Advertising Mail, *Berkeley Center for Law & Technology Research Paper* (2012) (with Jennifer M. Urban & Su Li)

Behavioral Advertising: The Offer You Cannot Refuse, 6 *Harvard Law Review* 273 (2012) (with Soltani, Good, Wambach, & Ayenson)

*2014 Computers, Privacy & Data Protection Multidisciplinary Privacy Research Award winner



Peter Menell

intellectual property, computer law, entertainment law, property law, environmental law

Peter Menell is Koret Professor of Law. Reflecting his training in economics and law, Professor Menell's research focuses principally on the role and design of intellectual property law with particular emphasis on the digital technology and content industries. His current projects explore the role of notice in developing tangible and intangible resources, copyright reform, and the adaptation of content and digital technology industries to the internet age. He also filed amicus briefs in four important cases. During 2012–13, he served as one of the inaugural Thomas Alva Edison Visiting Professionals at the United States Patent & Trademark Office.

Recent Publications

Intellectual Property, Innovation, and the Environment (2014) (with Sarah Tran)

This American Copyright Life: Reflections on Re-equilibrating Copyright for the Internet Age (42nd Brace Lecture), 61 *Journal of the Copyright Society of the USA* 235 (2014)

Using Fee Shifting to Promote Fair Use and Fair Licensing, 102 *California Law Review* 53 (2014) (with Ben Depoorter)

Informal Deference: A Historical, Empirical, and Normative Analysis of Patent Claim Construction, 108 *Northwestern University Law Review* 1 (2014) (with J. Jonas Anderson)

2014: Brand Totalitarianism, 47 *UC Davis Law Review* 787 (2014)

The Mixed Heritage of Federal Intellectual Property Law and Ramifications for Statutory Interpretation, in *Intellectual Property and the Common Law* (S. Balganesch, ed.) (2013)



Robert P. Merges

patents, intellectual property, economics, technology markets & valuation

Robert Merges is Wilson Sonsini Goodrich & Rosati Professor of Law. He is the author of *Justifying Intellectual Property*, published by Harvard University Press in 2011. A comprehensive statement of mature views on the ethical and economic foundations of IP law, the book reviews foundational philosophical theories of property and contemporary theories about distributive justice and applies them to IP; identifies operational high-level principles of IP law; and, with all this as background, works through several pressing problems facing IP law today. Professor Merges also has undertaken extensive revisions to two of the casebooks he coauthors, to update them in light of the America Invents Act which largely took effect in 2013.

Recent Publications

Economics of Intellectual Property Law, in Oxford Handbook of Law and Economics (F. Parisi, ed.) (forthcoming)

The Path of IP Studies: Growth, Diversification, and Hope, 92 Texas Law Review 1757 (2014) (with Golden and Samuelson)

Foundations and Principles Redux: A Reply to Professor Blankfein-Tabachnick, 101 California Law Review 1361 (2013)

The Relationship Between Foundations and Principles in IP Law, 49 San Diego Law Review 957 (2012)

Priority and Novelty Under the AIA, 27 Berkeley Technology Law Journal 1023 (2012)



Deirdre K. Mulligan

information technology law & policy, privacy, security, copyright

Deirdre Mulligan's current research agenda focuses on information privacy, security, cybersecurity and fairness. *Privacy on the Ground: Governance Choices and Corporate Practice in the US and Europe*, the culmination of Professors Mulligan and Bamberger's five-year empirical comparative research project exploring regulatory structures and corporate governance of privacy in five countries, will be published in Fall 2015 by MIT Press. Other areas of research include digital rights management technology and privacy and security issues in sensor networks and visual surveillance systems, and alternative legal strategies to advance network security.

Recent Publications

Privacy in Europe: Initial Data on Governance Choices and Corporate Practices, 81 George Washington Law Review 1529 (2013) (with Kenneth A. Bamberger)

It's Not Privacy, and It's Not Fair, 66 Stanford Law Review Online 35 (2013) (with Cynthia Dwork)

Internet Multistakeholder Processes and Technology Policy Standards: Initial Reflections on Privacy at the World Wide Web Consortium, 11 Journal on Telecommunications & High Technology Law 135 (2013) (with Nick Doty)



Pamela Samuelson

copyright, patent, internet and digital media, cyberlaw

Pamela Samuelson is Richard M. Sherman Distinguished Professor of Law and Information. Her recent work has focused on updating and adapting U.S. copyright law to meet challenges of the digital age. She has proposed several ways in which the law should be reformed and has considered various modes and venues through which reform might be achieved. Other recent work has focused on mass digitization and intellectual property protection for computer programs, on which she has coauthored several *amicus curiae* briefs in pending cases.

Recent Publications

The Path of IP Studies: Growth, Diversification, and Hope, 92 Texas Law Review 1757 (2014) (with Golden & Merges)

Book Review: Is Copyright Reform Possible? 126 Harvard Law Review 740 (2013)

Essay: A Fresh Look at Tests for Nonliteral Copyright Infringement, 107 Northwestern University Law Review 1821 (2013)

The Quest for a Sound Conception of Copyright's Derivative Work Right, 101 Georgetown Law Journal 1505 (2013)

Solving the Orphan Works Problem for the United States, 37 Columbia Journal of Law & the Arts 1 (2013) (with Hansen, Hashimoto, Hinze, & Urban)

Statutory Damages: A Rarity in Copyright Laws Internationally, but for How Long? 60 Journal of the Copyright Society of the USA 529 (2013) (with Hill & Wheatland)



Paul M. Schwartz

privacy, data security, international data protection law, cyberlaw, intellectual property

Paul Schwartz is Jefferson E. Peyser Professor of Law. His scholarship focuses on how the law has sought to regulate and shape information technology. His most frequently researched topic concerns information privacy and data security. At present, Professor Schwartz is engaged in several different research projects, including research into comparative privacy developments in the U.S. and the European Union as well as the interplay between state and federal privacy law.

Recent Publications

Reconciling Personal Information in the U.S. and EU, 102 California Law Review 877 (2014) (with Daniel J. Solove)

The Battle for Leadership in Education Privacy Law, SafeGov.org (March 27, 2014) (with Daniel Solove)

In Practice: The 'California Effect' on Privacy Law, The Recorder (Jan. 2, 2014)

Testimony, *Balancing Privacy and Opportunity in the Internet Age*, California Assembly Informational Hearing (Dec. 12, 2013)

The EU-US Privacy Collision: A Turn to Institutions and Procedures, 126 Harvard Law Review 1966 (2013)

Information Privacy in the Cloud, 161 University of Pennsylvania Law Review 1623 (2013)



Talha Syed

pharmaceutical patents, copyright, torts, health law, regulatory law & policy, normative legal theory

Talha Syed's research focuses on institutional and normative analysis of patents, copyright, and alternative innovation policies; and normative legal theory with special reference to torts, health, and education policy. Among Professor Syed's recent and current projects are: comparative-institutional analysis of patent reforms, prizes, public funding and regulatory incentives for improving the social impact of innovation in health; democratic and distributive analysis of copyright; economic analysis of product differentiation models of copyright; and the development of a distributive justice approach to disability in the context of health law, torts, and education policy.

Recent Publications

Infection: The Health Crisis in the Developing World and What We Should Do About It (Stanford University Press, forthcoming) (with William W. Fisher III)

Beyond Efficiency: Consequence-Sensitive Theories of Copyright, 29 Berkeley Technology Law Journal 229 (2014) (with Oren Bracha)

Beyond the Incentive-Access Paradigm? Product Differentiation & Copyright Revisited, 92 Texas Law Review 1841 (2014) (with Oren Bracha)

The Continuum of Excludability and the Limits of Patents, 122 Yale Law Journal 1900 (2013) (with Amy Kapczynski)

Distributive Equity for Disability in Education and Health: The Principle of Proportionate Benefit (forthcoming)

Amelioration, Not Compensation: Pain and Suffering as Distributive Equity (forthcoming)



Jennifer M. Urban

copyright, intellectual property, privacy, licensing, emerging artists, patents

Jennifer M. Urban directs the Samuelson Law, Technology & Public Policy Clinic. She is presently working on a series of empirical studies of consumer understandings and attitudes toward privacy in mobile and web applications with Chris Hoofnagle; on digitization and libraries with the Berkeley Digital Library Copyright Project; and on the Takedown Project (takedownproject.org) a broad, collaborative effort to research takedown of content by intermediaries. Her recent paper with Mark Lemley shows that judges with more experience handling patent cases are more likely to rule for defendants, and her recent paper with Chris Hoofnagle empirically questions longstanding research used to support the dominant "notice and choice" regime in privacy regulations. In the Clinic, Professor Urban is working on copyright limitations and exceptions for emerging artists and cultural repositories; privacy in the cloud and in "smart" ecosystems and the "Internet of Things"; and government and private surveillance.

Recent Publications

Alan Westin's Privacy Homo Economicus, 49 Wake Forest Law Review 261 (2014) (with Chris Jay Hoofnagle)

Does Familiarity Breed Contempt Among Judges Deciding Patent Cases? 66 Stanford Law Review 1121 (2014) (with Mark A. Lemley)

Solving the Orphan Works Problem for the United States, 37 Columbia Journal of Law & the Arts 1 (2013) (with Hansen, Hashimoto, Hinze, & Samuelson)



Molly S. Van Houweling

copyright, digital media, intellectual property, technology law

Much of Molly Van Houweling's research focuses on copyright law's implications for new information technologies (and vice versa). One strand of her research explores how legal rules designed to regulate sophisticated commercial actors impact unsophisticated individuals who are empowered by information technology. Another strand explores how those individuals are deploying copyright law themselves in ways that appear both to enrich and complicate the creative environment. Professor Van Houweling often explores these and other intellectual property issues using theoretical and doctrinal tools borrowed from the law of tangible property. She is currently working on a book, tentatively entitled *Property's Intellect*, that focuses on these connections.

Recent Publications

Land Recording and Copyright Reform, 28 Berkeley Technology Law Journal 1497 (2013)

Technology and Tracing Costs: Lessons from Real Property, in *Intellectual Property and the Common Law* (S. Balganes, ed.) (2013)

Atomism and Automation, 27 Berkeley Technology Law Journal 1471 (2012)

BCLT FELLOWS

KEVIN HICKEY is the BCLT Microsoft Research Fellow. Prior to joining BCLT, he was the Furman Academic Fellow at New York University School of Law, where he published several works on copyright law, most recently *Consent, User Reliance, and Fair Use* in the Yale Journal of Law and Technology (2014). His current research project examines the historical origins of copyright's substantial similarity doctrine. Kevin has a J.D. *magna cum laude* from NYU School of Law and a B.A. in mathematics from Brown University. He was a clerk for the Hon. Diana Gribbon Motz for the Fourth Circuit Court of Appeals, and he spent several years practicing intellectual property litigation at Covington & Burling LLP.

MICHAEL WOLFE is a Copyright Research Fellow who is developing research and commentary to promote public interest authorship in the digital age. He received his J.D. from Duke in 2013 and holds a B.A. in Social Studies from Harvard.

KATHRYN HASHIMOTO is a Copyright Research Fellow. While working in book publishing, she attended the University of San Francisco School of Law and received her J.D. in 2010. She also interned at the Electronic Frontier Foundation.

PATRICK GOOLD, 2012–14 BCLT Microsoft Fellow, is currently IP Fellow at IIT Chicago-Kent College of Law. His research interests include competition law, IP law, public international law and legal theory. He completed his undergraduate studies at Newcastle University and holds an LL.M. degree from Cornell University and a Ph.D. in Law from the International Max Planck Research School for Competition and Innovation, Germany.

MICHAEL MATTIOLI, 2011–12 BCLT Microsoft Fellow, is currently an Associate Professor at the Indiana University Maurer School of Law, where he teaches contracts and a variety of IP courses. His scholarship focuses on communities of innovation. He graduated from Penn Law School in 2007.

JONAS ANDERSON, 2009–11 BCLT Microsoft Fellow, is currently Assistant Professor of Law at American University, Washington College of Law, where he teaches courses in patent law, trade secret law, and real property. He graduated from Harvard Law School in 2006.

AARON PERZANOWSKI, 2008–09 BCLT Microsoft Fellow, is currently Associate Professor of Law at Case Western Reserve University of Law. His research is in the areas of copyright, trademark, and telecommunications law. He graduated from UC Berkeley School of Law in 2006.

STUART GRAHAM, 2007–09 BCLT Kauffman Foundation Fellow in Social Science and the Law, served as the first Chief Economist of the USPTO. He teaches and conducts research on the economics of the patent system, IP strategies and transactions, and the relationship of IP to entrepreneurship and the commercialization of new technologies. He is currently an Assistant Professor at Georgia Tech Scheller College of Business.

TED SICHELMAN, 2008–09 BCLT Kauffman Foundation Legal Research Fellow, is currently Professor of Law at the University of San Diego School of Law, teaching intellectual property law. His current research includes exploring theories of patent remedies, the effects of the patent system on entrepreneurial companies, and the role of patent law in technology commercialization. He graduated from Harvard Law School in 1999.

MIRIAM BITTON, the 2007–08 BCLT Microsoft Fellow, is currently a Law Professor at Bar-Ilan University in Israel. She writes and teaches in the fields of intellectual property law, law and technology, and property. She earned bachelors of law (LL.B.) and Masters of Law (LL.M.), *magna cum laude*, degrees from the Bar-Ilan University in Israel and LL.M. and S.J.D. degrees from the University of Michigan Law School.

BCLT STAFF



Louise Lee

Associate Director

Year joined BCLT: 2005



Claire Trias

Assistant Director, Program
Development & Student Engagement

Year joined BCLT: 2013



Erin Proudfoot

Assistant Director, Events
& Communications

Year joined BCLT: 2014





BCLT PARTNERSHIPS & AFFILIATES

BCLT HAS EXPANDED ITS PRESENCE within and beyond the law school, developing relationships locally, nationally, and internationally. **BCLT** is involved in cross-disciplinary programs with other schools and departments, on the **UC Berkeley** campus and elsewhere, and with a variety of outstanding affiliated scholars with interests in technology law, including some of the top economists and technologists working on technology policy issues. **BCLT** also works closely with other groups, research centers, and programs, including the **Samuelson Law, Technology & Public Policy Clinic** at the **UC Berkeley School of Law**, to produce outstanding scholarly works and organize law and technology-related events.

SAMUELSON LAW, TECHNOLOGY & PUBLIC POLICY CLINIC

Founded in 2001, the Samuelson Law, Technology and Public Policy Clinic (SLTPPC) provided the first opportunity in legal academia for students to represent public interest clients, concerns, and constituencies in key debates and litigation concerning the fundamental public policies at the intersection of law and technology. Today, it is the leader in a growing movement of clinics that give law students hands-on training in advocacy in the areas of IP, technology, and civil liberties.

BCLT and SLTPPC work on cutting-edge scholarship, research, and policy initiatives that help governments, academic institutions, and private entities develop sound technology-related policies and practices in the digital age.



Beginning in Fall 2014, **Catherine Crump** joins Clinic Director Jennifer M. Urban at SLTPPC as Associate Director and Assistant Clinical Professor of Law. She graduated from Stanford Law School in 2004 and clerked for the Hon. M. Margaret McKeown on the Ninth Circuit Court of Appeals. Prior to joining the Clinic, she was a staff attorney at the American Civil Liberties Union's Speech, Privacy and Technology Project. Professor Crump is a FOIA (Freedom of Information Act) expert and has led students in FOIA projects with Profes-

sor Jason Schultz at the Technology Law and Policy Clinic at NYU. Her recent research has focused on license plate readers and drone surveillance.

AFFILIATED EVENTS

The Net: Utopia vs. Dystopia

September 27, 2013 – San Francisco, CA

This informative Tech Talk, a featured event for Alumni Weekend, was co-sponsored by BCLT in cooperation with the Boalt Hall Alumni Center.

Alumni Reunion: Hot Topics in Law and Technology

September 28, 2013 – Berkeley, CA

BCLT Executive Director Robert Barr moderated an expert panel of Boalt alums discussing the latest developments and trends at the intersection of law and technology.

2nd Annual ChIPs Women in IP Global Summit 2013

October 1–2, 2013 – Washington, D.C.

BCLT was a proud co-sponsor of this summit event with ChIPs, an organization that supports and promotes the advancement of women in technology and IP.

Expert Witnesses: Maximizing Their Effectiveness

February 26, 2014 – Berkeley, CA

BCLT sponsored this ABA Regional Workshop of the ABA Section of Litigation, Expert Witnesses Committee.

Federal Judicial Center Dinner

May 20, 2014 – Berkeley, CA

BCLT hosted this special reception and dinner in honor of the judges attending BCLT's Federal Judicial Center Intellectual Property Training.

Networking Dinner

July 23, 2014 – Berkeley, CA

BCLT hosted a summer networking dinner for lawyers from Tel Aviv University's International Executive LL.M. program.

AFFILIATED FACULTY & SCHOLARS

Aaron Edlin (School of Law and Economics Department, UC Berkeley)

Joseph Farrell (Economics Department, UC Berkeley)

Rebecca Giblin (Faculty of Law, Monash University)

Richard J. Gilbert (Economics Department, UC Berkeley)

Bronwyn H. Hall (Economics Department, UC Berkeley)

Thomas Jorde (School of Law, UC Berkeley)

Michael L. Katz (Haas School of Business and Economics Department, UC Berkeley)

David Mowery (Haas School of Business, UC Berkeley)

David Nimmer (School of Law, UCLA)

Daniel Rubinfeld (School of Law, UC Berkeley)

AnnaLee Saxenian (I School and Department of City and Regional Planning, UC Berkeley)

Jason M. Schultz (NYU School of Law)

Carl Shapiro (Haas School of Business and Economics Department, UC Berkeley)

Howard Shelanski (Administrator of the Office of Information and Regulatory Affairs at the Office of Management and Budget)

David Teece (Haas School of Business, UC Berkeley)

Hal R. Varian (Emeritus: I School, Haas School of Business, and Economics Department, UC Berkeley)

David Winickoff (Environmental Science, Policy, & Management, UC Berkeley)

AFFILIATED PROGRAMS

Berkeley Roundtable on the International Economy (BRIE), UC Berkeley

Center for Information Technology Research in the Interest of Society (CITRIS), UC Berkeley

Center for Intellectual Property Studies (CIP), University of Gothenburg & Chalmers University of Technology

Competition Policy Center (CPC), Haas School of Business, UC Berkeley

Haifa Center of Law & Technology (HCLT), University of Haifa

Institute for Business Innovation, Haas School of Business, UC Berkeley

Institute for Information Law (IViR), University of Amsterdam

Lester Center for Entrepreneurship, Haas School of Business, UC Berkeley

Samuelson Law, Technology, & Public Policy Clinic, UC Berkeley School of Law

School of Information (I School), UC Berkeley

Seoul National University Center for Law & Technology, Seoul National University

Swiss Federal Institute of Technology – Eidgenössische Technische Hochschule (ETH) Zürich

Team for Research in Ubiquitous Secure Technology (TRUST)

Tel Aviv University Executive LL.M. Program



BCLT STUDENTS

BCLT ATTRACTS THE VERY BEST STUDENTS and offers them the most comprehensive instructional program in law and technology. Featuring foundational and advanced courses taught by noted **BCLT** regular faculty, many of whom use their own leading casebooks, and an adjunct faculty of expert practitioners, **BCLT** gives UC Berkeley law students an unmatched educational experience making them among the most sought-after hiring prospects by top law firms and organizations.

As well, **BCLT's** program extends beyond the classroom, providing students a number of diverse, unique opportunities to immerse themselves in the ever-expanding ecosystem of technology and the law. From informative networking functions to career fairs and more, **BCLT** supports a number of co-curricular and extracurricular activities to enrich the law school experience. **BCLT** also provides primary funding to Moot Court for its Intellectual Property Law, Technology Law, and Entertainment Law Competitions.

LAW & TECHNOLOGY CERTIFICATE PROGRAM

BCLT offers the nation's leading program in law and technology for students interested in concentrating their studies in this area. The Law & Technology Certificate recognizes successful completion of a specialized course of study in addition to an activity component. The curricular requirements emphasize depth and breadth of coverage and afford students substantial flexibility in adapting their course of study toward a range of career paths at the growing intersection of law and technology.



BCLT STUDENT EVENTS

For students interested in law and technology, BCLT provides information, guidance, and support, from Day One to graduation and beyond.

LAW & TECHNOLOGY PROGRAM ORIENTATION

BCLT welcomes incoming students with information on its law and technology program as well as related extracurricular opportunities at the law school.

FALL RECEPTION

BCLT hosts this annual fall networking mixer for law students and top IP law firms in the area.

SPRING CAREER FAIR

BCLT introduces representatives from leading law firms to law students interested in technology law.

SUMMER MIXER

BCLT brings together law students and top IP law firms for an exclusive summer networking opportunity.

BCLT/BTLJ LAW & TECH SPEAKER SERIES

Prominent practitioners bring real-world experience and practical legal knowledge to students on a variety of law and technology-focused topics.



BCLT STUDENT GROUPS

BCLT provides administrative and financial support to eight student groups. These groups concentrate on specific legal skills or areas of the law, including public interest, allowing students to supplement their law school education with invaluable law & technology-focused activities.

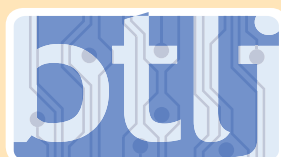
BERC@BOALT

BERC@Boalt is the law school branch of the Berkeley Energy & Resources Collaborative, a student-led organization which aims to connect and educate the UC Berkeley energy and resources community. BERC@Boalt helps to inform law students about current legal practice and advances in the fields of energy, climate and clean technologies. It does this through the development of curriculum, the continuing expansion of an alumni and professional network, the promotion of events and discussions centered on green issues, and the creation of a Career Guide for Energy, Climate and CleanTech Law.



BERKELEY TECHNOLOGY LAW JOURNAL

The Berkeley Technology Law Journal (BTLJ) is a student-run publication that covers emerging issues in the areas of intellectual property, privacy and cyberlaw. Since 1986, BTLJ has kept judges, policy-makers, practitioners and the academic community abreast of the dynamic field of technology law. The Journal's membership of approximately 150 students publishes three issues of scholarly work each year, plus the Annual Review of Law and Technology. The Annual Review is a



distinctive issue of the Journal published in collaboration with BCLT and is dedicated to student-written casenotes discussing the most important recent developments in this sector.

Each year, BTLJ co-hosts the Annual BCLT/BTLJ Symposium. For each conference, BTLJ publishes a symposium issue, featuring articles by leading academics on the issues raised at the conference. These symposia often pioneer new areas of research by introducing topics that are far-reaching and significant, but have yet to enter the public discourse.

BOALT.ORG

boalt.org is the law school's public interest and technology group. Its activities fall into three main categories. First, boalt.org works to make information technology more useful and accessible to UC Berkeley law students. Second, boalt.org advocates on behalf of the public interest in debates over law and technology. Third, boalt.org provides a community and social activities for those who might best be described as law and tech geeks.



CONSUMER ADVOCACY AND PROTECTION SOCIETY (CAPS)

The Berkeley Consumer Advocacy and Protection Society (CAPS) is dedicated to fostering research, discussion and advocacy in the field of consumer protection law. It seeks to strengthen ties between consumer law groups and the UC Berkeley School of Law community. This includes creating networks between consumer law attorneys, advocacy organizations and the student body. Its activities promote the field of consumer protection law and provide training opportunities for students, foster community among student advocates whose interests intersect with consumer protection, and encourage and maintain consumer protection curriculum and clinic opportunities at the law school.

HEALTHCARE AND BIOTECH LAW SOCIETY

Members of the Healthcare and Biotech Law Society examine and analyze the intersection between law, society, policy and science. Their mission is to foster discussion on emerging health/biotech issues and to stimulate the intellectual and professional development of Boalt students interested in these issues. They do this by organizing networking events with practitioners, promoting health and biotech courses at the UC Berkeley School of Law and increasing interaction between the law school and other healthcare and biotech related institutions at UC Berkeley and beyond.



PATENT LAW SOCIETY

The Boalt Hall Patent Law Society provides a forum for students interested in practicing patent law to discuss and debate the latest developments in this specialty. The Group often engages patent law practitioners to share their experiences through student presentations. These and other events provide opportunities for members of the Patent Law Society to interact, network and exchange ideas.

SPORTS AND ENTERTAINMENT LAW SOCIETY

The mission of the Sports and Entertainment Law Society (SELS) is to educate the UC Berkeley School of Law community about legal opportunities and issues in the entertainment and sports industries. SELS also strives to facilitate opportunities for students to network not only with each other, but also with legal professionals in these industries. SELS regularly sponsors many events during the academic year, including guest lectures and social events.



UNIVERSITIES ALLIED FOR ESSENTIAL MEDICINES

Universities Allied for Essential Medicines (UAEM) links members of universities in the U.S., the U.K. and Canada who are concerned about patient access to medicines in poor countries. Its mission is to promote access to medicines and medical innovations in low and middle-income countries by changing norms and practices around academic patenting and licensing; to ensure that university medical research meets the needs of people worldwide; and to empower students to respond to the access and innovation crisis.



BCLT STUDENTS IN THE NEWS



UC Berkeley School of Law students **Wilson Dunlavey** and **Christina Farmer** took first place at the 23rd Annual Saul Lefkowitz Moot Court Competition. Presented annually by the International Trademark Association, the Lefkowitz Competition focuses on issues of U.S. trademark and unfair competition law. The triumphant pair were among a starting field of 86 teams from 61 different law schools, competing at the regional level before advancing as one of 10 teams at the national finals.

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SAVE THE DATE: 2014-2015 EVENTS

7th Annual BCLT Privacy Lecture

October 6, 2014 – Berkeley, CA

Fall Reception for Boalt Students and
BCLT Sponsors

November 5, 2014 – Berkeley, CA

Troll-Proofing Patents: Protecting
Open Innovation

November 7, 2014 – Berkeley, CA

The Role of the Courts in Patent
Law & Policy

November 7, 2014 – Washington, DC

Conference on Chinese IP Law

November 7, 2014 – Los Angeles, CA

ChIPs Women in IP Global Summit

Fall 2014 – Washington, DC

Private Security and Regulatory Space:
In Search of the Public Interest

December 11, 2014 – Berkeley, CA

15th Annual Advanced Patent Law Institute:
Silicon Valley

December 11-12, 2014 – Palo Alto, CA

Seminar on Law in the Global Marketplace:
IP and Related Issues

Spring 2015 – San Francisco, CA

4th Annual BCLT Privacy Law Forum:
Silicon Valley

March 13, 2015 – Palo Alto, CA

19th Annual BCLT/BTLJ Symposium

April 17, 2015 – Berkeley, CA

Legal Frontiers in Digital Media:

The 8th Annual Conference on Emerging
Legal Issues Surrounding Digital Publishing
and Content Distribution

May 15-16, 2015 – Mountain View, CA

8th Annual Privacy Law Scholars
Conference

June 2015 – Berkeley, CA

15th Annual Intellectual Property Scholars
Conference

August 2015 – Chicago, IL

COMING IN 2015

BCLT 20th ANNIVERSARY

Details to come!

Or visit the BCLT site for updates

law.berkeley.edu/bclt