

10-26-2012

11th Annual Conference on Recent Developments in Intellectual Property Law and Policy

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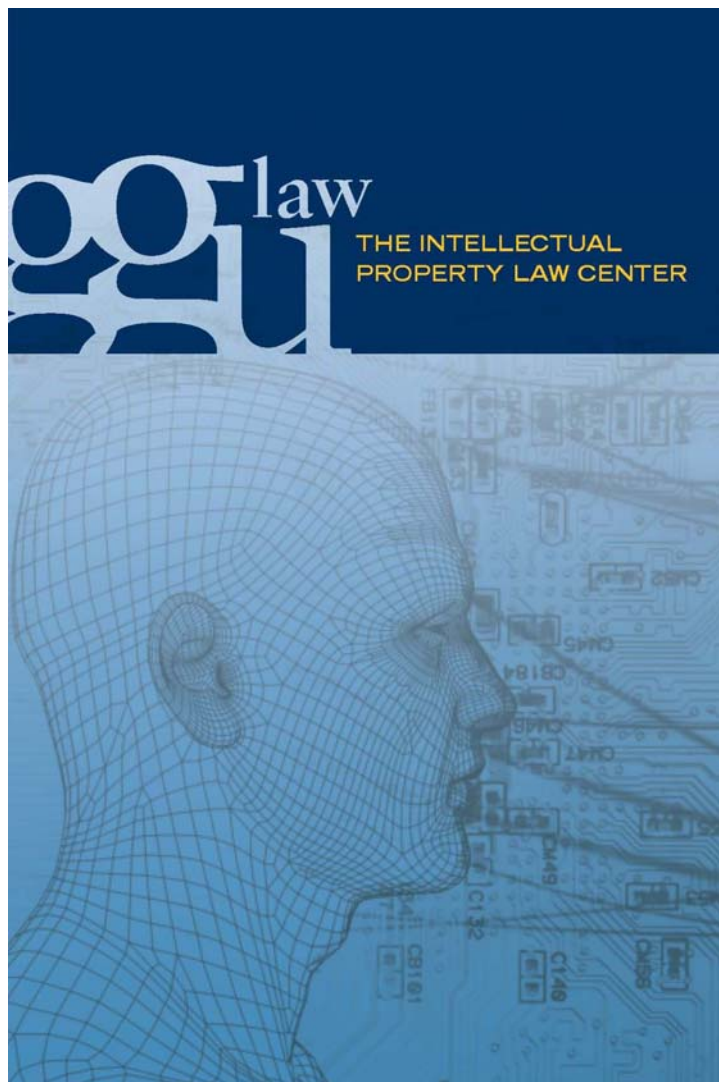
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Recommended Citation

Greenberg, Marc; Gallagher, William T.; and Chuang, Chester S., "11th Annual Conference on Recent Developments in Intellectual Property Law and Policy" (2012). *Intellectual Property Law*. Paper 9.

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Golden Gate University School of Law and
the IP Law Center presents
**The 11th Annual Conference on
Recent Developments in
Intellectual Property Law and Policy**

October 26, 2012

Program Supplement

TO: IP Law Conference Participants
FROM: GGU IP Law Center and IP Law Faculty
DATE: October 26, 2012
RE: Welcome!

Welcome to the 11th Annual Conference on Recent Developments in Intellectual Property Law and Policy, presented by the Intellectual Property Law Center of Golden Gate University School of Law. This annual tradition, begun in late September 2001, was one of the first events developed as part of the foundation of our new IP Law Program. Over the years we have hosted presentations by leading thinkers in the area of IP Law, including Professor Mark Lemley, New Yorker writer Ken Auletta, Professor Dan Burk, Professor Susan Scafidi of the Fashion Law Institute, and many others.

We are pleased to present another great line-up of speakers and panels in this, our eleventh year. Our program leads off with Adjunct Professors and leading attorneys Timothy Cahn and Ryan Bricker discussing Rough Justice: Extending the DMCA's Take-Down Model – Emerging Liability Standards and Challenges for Online Business. Visiting GGU Law Professor Jamie Lund brings interesting insights derived from an empirical study of music copyright infringement with her presentation discussing Juror Responses to Music Copyright's Lay Listener Test.

We then shift focus to information technology and cloud computing with David Tollen. Following our lunch break, we are pleased to present a program by Santa Clara Law Professor Eric Goldman, the Director of the High Tech Law Institute at SCU Law, who will shed light on the "Stop Online Piracy Act"/"Protect IP Act" and online copyright laws.

The last two programs of the day focus on key areas of IP law and practice. Sharon Anolik, Adjunct Professor and Chief Privacy Officer at McKesson, and General Counsel John Tomaszewski of TRUSTe, usher us inside the complex world of digital privacy. We end with an interview by Professor Marc Greenberg of Alica Del Valle, in-house counsel at Salesforce.com, a leader in customer relations management software and cloud computing.

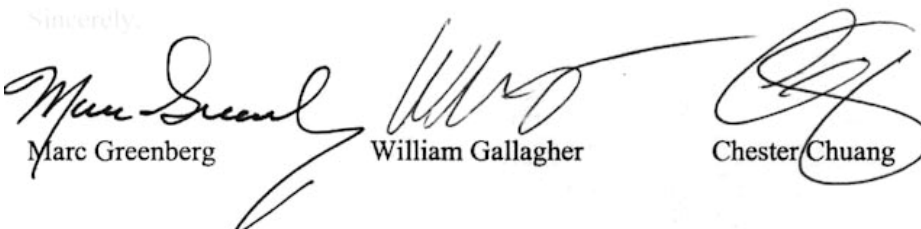
The IP Law Center has continued this year to bring important participants in the IP bar and academy to the University to present their views as part of our Distinguished IP Law Speaker Series. This past year the Center welcomed Prof. Mark Lemley of Stanford Law School and Prof. Justin Hughes of Cardozo Law as our 4th and 5th Distinguished IP Law Speakers. Plans are in the works for other great speakers this coming year.

The Center's online presence continues to grow as well. Our highly praised IP Law Book Review is in its first segment of its third volume, and Professor Greenberg's IP Buzz blog continues to address new issues and cases in IP Law. Bookmark the main site page, www.gguiplc.com to stay abreast of all of the Center's activities and to link to the review and blog.

Lastly, enjoy the conference, and let us know what you think of the program. We are always looking for ways to improve your experience, and thank you for your attendance and support of IP law at Golden Gate.

Sincerely,

Sincerely,



Marc Greenberg William Gallagher Chester Chuang

11th Annual Recent Developments in Intellectual Property Law and Policy Conference
Program Schedule
October 26, 2012 Room 2201

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Registration/Check-in	8:30 - 9:00	2 nd floor lobby
Welcoming Remarks	9:00 - 9:15	Co-Directors Marc Greenberg & William Gallagher
Rough Justice: Extending the DMCA's Take-Down Model - Emerging Liability Standards and Challenges for Online Business	9:15 - 10:15	Timothy Cahn and Ryan Bricker, Kilpatrick Townsend, LLP
Morning Break	10:15 - 10:30	
Juror Responses to Music Copyright's Lay Listener Test	10:30 - 11:30	Jamie Lund, Visiting Professor at GGU Law
IP and IT in the Cloud	11:30 - 12:30	David Tollen, Adeli and Tollen, LLP
Lunch	12:30 - 1:45	Pick up lunch in 2 nd fl. lobby
SOPA/PIPA and Online Copyright	1:45 - 2:45	Eric Goldman, Professor, Director of the High Tech Law Institute at Santa Clara University School of Law
Afternoon Break	2:45 - 3:00	
Data Privacy	3:00 - 4:00	Sharon A. Anolik (JD 96), McKesson; John Tomaszewski, TRUSTe
Inside In-House: An Interview with Salesforce.com Attorney Alica Del Valle	4:00 - 5:00	Interview: Alica Del Valle of Salesforce.com by Marc Greenberg
Closing Remarks	5:00 - 5:15	Co-Directors Marc Greenberg & William Gallagher
Post-conference Reception	5:15 - 7:00	Room 6210

We have arranged a temporary wifi login on the GGU campus for October 26, 2012:

username: iplaw
password: Ssng@p91e

We kindly ask that you set the sound on all of your electronic devices to **“silent”** mode in order to minimize distractions during the program. Thank you and we hope you enjoy the conference.

At 12:30, lunch will be distributed in the 2nd floor lobby. Please form a single line and enjoy your lunch outside of the lecture hall. You may leave a jacket, but we recommend you take your valuables with you. We have a person monitoring the room so no one without a badge will enter except the cleaning staff. We have several locations where you can eat on campus including the Plaza (one level below the 1st floor), the GGU café at 40 Jessie St. behind the main building, and the 6th floor has quite a large space—take the elevator to 6 and exit the elevators with a sharp left. Please rejoin the lecture hall at 1:30-1:45 for the afternoon sessions.



Marc Greenberg

Marc H. Greenberg is Professor of Law, founding Director, and currently Co-Director of the Intellectual Property Law Center and Program at Golden Gate University of Law. A member of the faculty since 2000, he teaches Intellectual Property Survey, Internet and Software Law, Intellectual Property and New Technology, and Entertainment Law in the IP curriculum. He also teaches Civil Procedure, Business Associations and related courses in the general curriculum. He was the 2010-2011 Chair of the Art Law Section of the American Association of Law Schools, and is a past co-chair of the Copyright Section of the San Francisco Intellectual Property Law Association.

Professor Greenberg received his A.B. degree in English Literature from the University of California, Berkeley; his J.D. from the University of California, Hastings College of the Law, where he served as an articles editor of the *Hastings Constitutional Law Quarterly* and published the first of his scholarly works analyzing the First Amendment cases of the Supreme Court's 1978 term.

Professor Greenberg's scholarship has focused on legal issues pertaining to content on the Internet, obscenity law in online contexts, and copyright issues both in the U.S and in China. He is presently working on a book focusing on comic books, creativity and the law. His articles have been published in the *Berkeley Technology Law Journal*, *The Syracuse Journal of Law and Technology*, *The John Marshall Review of Intellectual Property Law*, and *The Loyola Chicago University Journal of International Law*.

Before joining the GGU faculty, Professor Greenberg practiced IP, entertainment and business law, in both transactional work as well as litigation, in several firms in Northern California. He was of counsel to Chickering and Gregory in San Francisco and was a managing partner in his own firm, Nelsen and Greenberg, also in San Francisco.



William Gallagher

William Gallagher is Professor and Co-Director of the IP Law Center at the Golden Gate University School of Law, where he teaches courses on intellectual property litigation, intellectual property law, torts, and legal ethics. He also currently serves as Associate Dean for Faculty Scholarship. From 2009-2011, Professor Gallagher was a Visiting Scholar at the Center for the Study of Law and Society at the UC Berkeley School of Law.

Professor Gallagher received his JD from the UCLA School of Law; his Ph.D. from the University of California, Berkeley School of Law (Jurisprudence and Social Policy Program); his MA from the University of Chicago; and his BA from the University of California, Berkeley.

Professor Gallagher is the author of articles on intellectual property law and professional ethics, which have appeared in the *Santa Clara Computer & High Technology Law Journal*, *Santa Clara Law Review*, *Pepperdine Law Review*, *Law and Social Inquiry*, *Center for the Study of Law and Society/Jurisprudence and Social Policy Program Faculty Working Papers* (University of California, Berkeley School of Law), and the *Law and Politics Book Review*. His edited book, *International Essays in Law and Society: Intellectual Property*, was published in 2007 by Ashgate Press. Professor Gallagher is also the founding editor of *The IP Law Book Review*.

Before entering full-time academia, Professor Gallagher was a partner in the San Francisco office of Townsend and Townsend and Crew LLP, where he specialized in patent, copyright, trademark, trade secret, and related intellectual property litigation in both state and federal courts nationwide.



Chester Chuang

Chester Chuang is an associate professor at the Golden Gate University School of Law, where he teaches contracts and patent law. His research focuses on patent law.

Professor Chuang received his J.D. from the New York University School of Law and his B.S. in Pharmacy from the Ohio State University. His most recent work examines the role of declaratory judgment actions in patent litigation:

Offensive Venue: The Curious Use of Declaratory Judgment to Forum Shop in Patent Litigation, 80 Geo. Wash. L. Rev. 1065 (2012) (comparing venue transfer rates in declaratory judgment patent cases and non-declaratory judgment patent cases); *Unjust Patents & Bargaining Breakdown: When is Declaratory Relief Needed?*, 64 S.M.U. L. Rev. 895 (2011) (examining how courts can use declaratory judgment jurisdiction to address uncertain patent scope and promote innovation).

Professor Chuang is currently on leave while working as Senior Corporate Counsel, Content Protection Technology for the Twentieth Century Fox Film Corporation in Los Angeles, California.

Prior to entering academia, Professor Chuang was Senior Corporate Counsel for Electronics For Imaging, Inc., a leader in digital imaging and print management solutions for the commercial printing and enterprise markets. He also worked previously as an associate with O'Melveny & Myers and Perkins Coie, specializing in IP licensing and litigation, and served as a judicial clerk for the Hon. Sandra Brown Armstrong, U.S. District Court, N. D. Cal.



Timothy Cahn

Tim Cahn is a partner and co-chair of the Copyright Team at the 650-lawyer firm of Kilpatrick Townsend & Stockton LLP. After graduating Harvard Law School in 1990 and clerking for a federal appeals court judge, Tim moved to the Bay Area to practice copyright and trademark litigation. Tim's career has tracked the expansion of the internet, which afforded him opportunities to develop expertise in brand and rights enforcement in cyberspace. He filed the first lawsuit in California challenging trademark infringement in a domain name, prior to the passage of the federal Anti-Counterfeiting Consumer Protection Act of 1996, and one of the first lawsuits seeking *in rem* forfeiture of numerous domain names in a single suit. He also pioneered the use of pre-judgment asset freezes and other equitable relief on behalf of brand-owning clients.

Tim has litigated over 100 trademark and copyright matters. In addition, Tim is experienced in developing and implementing comprehensive intellectual property enforcement and anti-piracy programs for major consumer brands. His clients have included such prominent companies as Levi Strauss & Co., Williams-Sonoma, Inc., Sony Computer Entertainment America, Inc., LeapFrog, Amazon.com, Apple, Inc., and many others.

Tim regularly gives presentations on trademark and copyright related matters including a recent presentation to the San Francisco Bar Association, entitled "The DMCA 12 Years Later: Pitting Copyright Protection Against Technological Innovation?" He has published practice-oriented and academic law review articles, most recently "*Head In(to) the Cloud?*," in Corporate Counsel magazine and a review of "Trademark and Copyright Litigation," for the *IP Law Book Review*. The 2012 Legal 500 Series recently recognized Tim as a "Leading Lawyer" in copyright matters.

Tim is very active in *pro bono* matters and was recently profiled for his *pro bono* work by *Diversity & the Bar* magazine. In 2011, the Minority Bar Coalition of the Greater Bay Area honored Mr. Cahn with its Unity Award. Tim also is an adjunct professor, teaching Law of Online Gaming in Golden Gate University School of Law's Intellectual Property Program.



Ryan Bricker

Ryan Bricker joined the trademark and copyright group at Kilpatrick Townsend & Stockton in 2009, after graduating from George Washington University Law School. He has merged a background in technology and internet infrastructures with a practice focused on counseling clients in matters related to protecting and enforcing copyright and trademark rights on the web. As a result, more than a little of Ryan's

time has been spent unpacking and identifying solutions to IP problems that lie on the fringes of copyright and trademark law, including creative methods of identifying anonymous, off-shore infringers; issues related to hardware, software, and data security; and other challenges flowing from social media spaces, an array of media delivery channels, and e-commerce.

Ryan's experience has proven useful not only to technology and internet companies, but also businesses in industries as far flung as fashion, wine, education, speakers and audio equipment, gambling, and furniture and household products. Ryan has spoken about copyright and trademark issues on the internet at several CLE events recently.



Jamie Lund

Jamie Lund is an assistant professor St. Mary's University Law School in San Antonio, where she heads the school's intellectual property program. She is currently visiting at Golden Gate University School of Law.

Lund graduated with her Juris Doctorate with honors from the University of Chicago Law School and with her Bachelor of Music cum laude from Brigham Young University. While at BYU, Lund performed in the orchestra for the 2002 Winter Olympics Closing Ceremony, playing alongside such fan favorites as KISS, Willie Nelson, and Bon Jovi.

Recent publications include *An Empirical Examination of the Lay Listener Test in Music Composition Copyright Infringement* in the Virginia Sports and Entertainment Law Journal, which was featured in the peer-reviewed JOTWELL (The Journal of Things We Like (Lots)), and *Property Rights to Information* in the Northwestern Journal of Technology and Intellectual Property.

Prior to teaching, Lund worked at the law firm of Irell & Manella in Los Angeles. At Irell she worked on a diverse range of intellectual property matters as well as pro bono work for the Navajo Nation relating to the uranium pollution of Navajo lands. She also participated in the LA County Bar's Trial Advocacy Program, serving as a volunteer prosecutor with the Ventura County District Attorney's office.



David W. Tollen

David Tollen is the author of the American Bar Association's bestselling manual on IT contracts, *The Tech Contracts Handbook: Software Licenses and Technology Services Agreements for Lawyers and Businesspeople* (IP Section of the ABA, 2010). He's an attorney specializing in software, IT, and intellectual property agreements and the co-founder of Adeli & Tollen LLP, an IP and IT boutique with offices in San Francisco, Mountain View, and Los Angeles. He's also the founder of Tech Contracts Chalkboard [www.techcontractshandbook.com], a company that provides training on closing IT deals, for salespeople, contract managers, and other businesspeople, as well as lawyers.

Mr. Tollen has negotiated and drafted intellectual property and technology contracts of all kinds, representing both buyers and sellers. In addition to his work as a lawyer in private practice and as a trainer, he has served as General Counsel of a publicly traded software company and as VP of Business Development for a profitable IT startup. He has degrees from Harvard Law School, Cambridge University in England, and U.C. Berkeley.

Mr. Tollen is passionate about organizing complex materials into simple lessons. That task lies at the heart of his book and his trainings on IT contracts. And in his spare time, he writes about history, making the past accessible to young people. He's the author, under a pen-name, of a young adult novel that uses fantasy to teach, called *The Jericho River, A Magical Novel About the History of Western Civilization*.



Eric Goldman

Eric Goldman is a Professor of Law and Director of the High Tech Law Institute at Santa Clara University School of Law. Before he became a full-time academic in 2002, he practiced Internet law for 8 years in the Silicon Valley. His research and teaching focuses on Internet, IP and advertising law topics, and he blogs on these topics at the Technology & Marketing Law Blog, [blog.ericgoldman.org] and the Tertium Quid blog at Forbes,

[blogs.forbes.com/ericgoldman]. In 2012, *Managing IP* magazine named him to a shortlist of North

American “IP Thought Leaders,” and in 2011, he received the “IP Vanguard” award (in the academic/public policy category) from the California State Bar’s IP Section.



Sharon Anolik (JD 96)

Sharon Anolik is Vice President and Global Privacy Risk and Strategy Leader for McKesson Corporation (FORTUNE 15), a leading healthcare services and information technology company.

Previously, she was Chief Privacy Officer and Director of Corporate Compliance & Ethics for Blue Shield of California, responsible for overseeing privacy, corporate compliance & ethics, records management and legislative implementation. Those programs received external awards for innovation & effectiveness under Sharon's leadership.

Sharon has also served as General Counsel & Chief Privacy Officer for Ask Jeeves; Deputy City Attorney for the city of San Francisco; in-house counsel for several technology companies; a Privacy specialist for Deloitte & Touche; a judicial clerk to the California Supreme Court and as an associate in private practice. A frequent industry speaker, Sharon sits on the Corporate Compliance, Privacy and Internal Audit Committee of the Board of El Camino Hospital, several privacy advisory boards and teaches Cyberlaw and Privacy at Golden Gate University School of Law. Sharon can be reached at sharon.anolik@mckesson.com.



John P. Tomaszewski

General Counsel & Corporate Secretary

TRUSTe

As TRUSTe's General Counsel and Corporate Secretary, John is responsible for all of TRUSTe's legal affairs and for providing legal and business counsel to the Chief Executive Officer and the Board of Directors. He also ensures that enforcement and compliance efforts are thorough, transparent and defensible.

Prior to joining TRUSTe, John served as Chief Privacy Officer of CheckFree Corporation, the leader in electronic billing and payment. In this role as CPO, John was responsible for developing, implementing and maintaining CheckFree's privacy program.

In addition to this, John is an attorney who has focused on the development of trust models within business systems since 1999. He has prepared privacy statements, fair information practice standards, PKI policies, certification practice statements, certificate policies, end-user agreements, non-disclosure agreements, and other documents for clients in the U.S., Europe, and Asia. He has also advised client legal counsel to develop their understanding of the trust models associated with e-commerce.

John has participated in the drafting of several information security publications, including the *Digital Signature Guidelines* and the *PKI Accreditation Guidelines*, which was developed by the Information Security Committee of the American Bar Association. John has also provided input to the drafting of the Uniform Electronic Transactions Act, promulgated by the National Convention of Commissioners for Uniform State Law, and has worked with the Office of the Legal Advisor of the US Department of State regarding the UN Model Law on Electronic Commerce. He has been published several times in academic legal journals on the subject of information security, e-commerce, and the law.

Prior to his CheckFree position, John was a PKI consultant with Baltimore Technologies, and was previously engaged in the private practice of law, focusing on e-commerce and corporate matters. John graduated from St. Mary's University School of Law in San Antonio, Texas, where he held the position of Solicitations Editor of the Law Journal. He completed his undergraduate work at the University of Texas, Austin.



Alica Del Valle

Alica Del Valle, a native of Mexico City, currently serves as Trademark Counsel for salesforce.com, inc. Salesforce.com is a leader in enterprise cloud computing, recognized by Forbes as the most innovative company in the world. Ms. Del Valle is responsible for developing, managing, and enforcing salesforce.com, inc.'s global trademark portfolio, developing departmental processes, instituting and managing domain name disputes and acquisitions, negotiating terms in technology licensing, settlement of infringement matters, and strategic alliances, and IP due diligence.

Prior to joining salesforce.com, Ms. Del Valle worked for an IP specialty firm counseling clients in digital marketplace and new media matters and served as a Staff Attorney for the Supreme Court of California.

Ms. Del Valle received undergraduate degrees in English and Legal Studies from the University of California, Berkeley and her Juris Doctorate from the University of California, Davis School of Law.

She currently serves on an Academic Committee of the International Trademark Association, on the Boards of Directors of the San Francisco Intellectual Property Law Association and Bar Association of San Francisco Barristers Club, and the BASF Technology Committee.

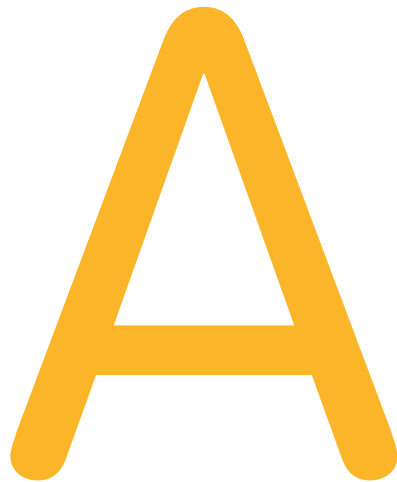
BARRISTERS IN ACTION

RETROSPECTIVE OF A YEAR AS TRADEMARK COUNSEL FOR SALESFORCE.COM

From San Francisco to Mexico and Beyond



Alica Del Valle



year ago I left the firm life when I was given the opportunity to join the team of talented in-house lawyers at salesforce.com—the company *Forbes* magazine recognized last year as the most innovative company in the world. As I am sure the myriad other attorneys who have made the transition in-house appreciate, my decision to make the move was by no means made lightly. The most significant consideration in making a change was neither leaving behind the dreaded billable hour nor finding greater work-life balance, but rather the unparalleled challenges and experiences that I expected would come with joining such a trending company. Looking back on my first year at salesforce.com, I find that reality has in many ways surpassed the expectations that originally propelled me. One experience in particular—a trip to Mexico—stands out as a poignant example of how my time in-house has already come to affect me indelibly, both personally and professionally.

year ago I left the firm life when I was given the opportunity to join the team of talented in-house lawyers at salesforce.com—the company *Forbes* magazine recognized last year as the most innovative company in the world. As I am sure the myriad other attorneys who have made the

I was born in Mexico City to parents who, having grown up in rural Mexico, shared a childhood of limited means but big dreams. Neither of my parents is a college graduate. Through luck or circumstance or both, my parents, three siblings, and I were able to move to the United States when I was eight. I learned to speak English only thanks to a kind-hearted first-grade teacher, Mrs. Mets, who stayed after school every day to teach me. I spent sixth grade and junior high in Mexico, then returned to the United States and have lived here ever since. By all statistical measures I should not have graduated from college, much less ended up a San Francisco attorney. Nevertheless, armed with my own big dreams and an ardent fighting spirit, I received undergraduate degrees in English and legal studies from the University of California, Berkeley and a Juris Doctor degree from the UC Davis School of Law. Thanks to hard work and a lot of luck, my legal career has been peppered with professionally gratifying experiences, including developing relationships with great mentors, holding leadership positions with The Bar Association of San Francisco and the San Francisco Intellectual Property Association, and even clerking for the Supreme Court of California. Then came salesforce.com.

I handled my first project for salesforce.com as a young law firm associate in mid-2007 and was instantly intrigued by the company. From very early in my representation, it was

clear to me that salesforce.com was changing the face of technology. In the years that followed, more and more of my practice focused primarily on salesforce.com.

So when the opportunity arose to join the company as its trademark counsel, I was thrilled at the prospect of being a more integral part of salesforce.com's extraordinary trajectory. As trademark counsel, I am responsible primarily for developing, managing, and enforcing the company's global trademark portfolio and strategy.

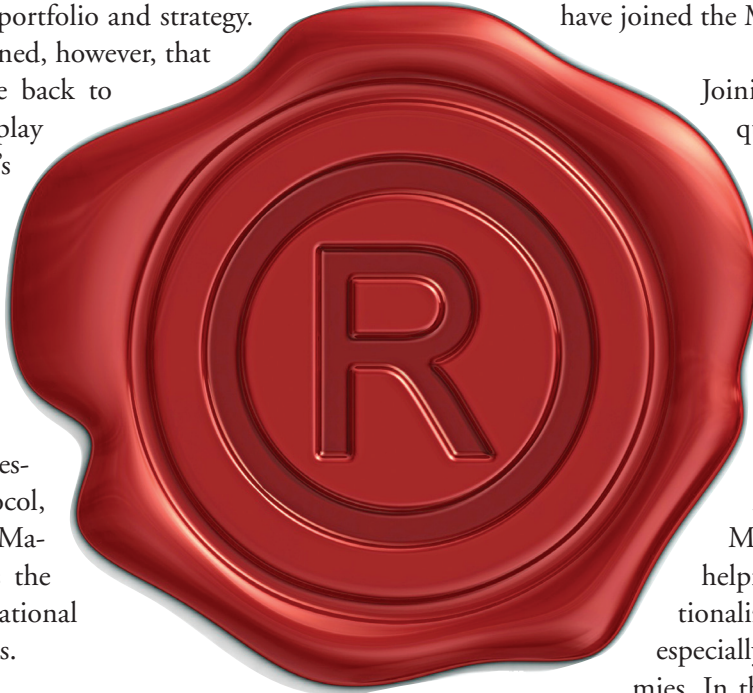
I never could have imagined, however, that this role would lead me back to my childhood home to play a role in one of Mexico's own transformations.

In November 2011, Mexican Senator Luis Walton Aburto introduced a measure in the Mexican Senate to consider the country's accession to the Madrid Protocol, which along with the Madrid Agreement governs the Madrid system for international registration of trademarks.

In early March 2012, I received an unexpected invitation from Laura Cruz, external relations manager for Latin America for the International Trademark Association (INTA). Since 2006, Cruz has spearheaded various initiatives throughout Latin America to help local governments implement modern intellectual property (IP) systems. In line with this work, Cruz was helping assemble a delegation to travel to Mexico City to help educate Mexican officials on the risks, benefits, and uses of the Madrid system as Mexico considered its possible accession to the Madrid Protocol. Given my experience with the Madrid system and the fact that I am a native Spanish speaker, Cruz believed I would be a good addition to the delegation.

The Madrid system, established under the Madrid Agreement Concerning the International Registration of Trade-

marks in 1891 and further extended under the Protocol Relating to the Madrid Agreement (the Madrid Protocol) in 1989, was intended to promote harmonization of international trademark laws and assist businesses in the global protection of marks by easing administrative burdens and allowing for centralized control for trademark owners. While the Madrid system currently boasts eighty-seven member countries throughout the world, in Latin America only Colombia, Cuba, and Antigua and Barbuda have joined the Madrid Protocol.



Joining the Madrid Protocol requires countries to optimize their trademark office operations, including adopting harmonized registration procedures and expedited processing times. While these administrative requirements can be burdensome for countries whose national offices have not modernized, joining the Madrid Protocol has proven helpful in the progressive internationalization of member countries, especially among emerging economies. In the past several years, a number

of countries in Latin America, including Argentina and Brazil, have considered accession without success. Mexico's accession would mark a significant step in leading other Latin American countries to prioritize the strengthening of their IP systems collectively to increase the region's already growing importance in the global trade arena.

Within weeks of Cruz's first email, I was arriving at Benito Juárez International Airport in Mexico City, after nearly a decade since my last visit. The last time I had flown into that airport I was not yet a licensed attorney. This fact resounded in my mind as I joined representatives from INTA and the World Intellectual Property Organization, prepared to speak about cloud computing, global trade, and options for international trademark protections—in Spanish, of course.

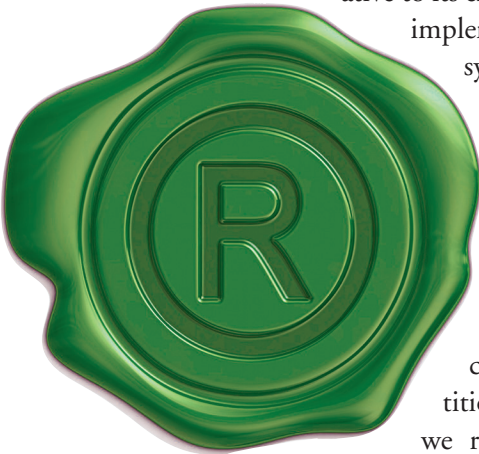
In the days that followed, the delegation had the honor of being received by officials from the Mexican Institute of Industrial Property, the Mexican Federal Regulatory Commission, and the Mexican Congress. We spoke at length about potential changes to Mexico's IP system relative to its existing regulatory scheme, implementation of the Madrid system in other countries around the world, the potential impact on Mexican corporations—from multinationals to small businesses, and addressed concerns raised by the community of IP practitioners. Not surprisingly, we received candid feedback on concerns about change and uncertainty and gained insight into potential opposition to the burdens that would come with accession. After a whirlwind trip, I flew back to San Francisco—now my home—unclear about how the story would end.

On April 25, 2012, a few weeks after my return, Mexico's Senate unanimously approved the draft decree on Mexico's accession to the Madrid Protocol. In the months to come, Mexico is expected to finalize its accession and, together with Colombia (where the protocol went into

effect August 29, 2012), will likely lead the charge in the transformation of Latin America's IP landscape.

Being a part of a process with such potentially significant impact in an increasingly competitive global economy was certainly a professionally unique and deeply gratifying experience. In my case, it was also personally gratifying to have had the opportunity to travel back to a life I knew in one country by virtue of the life I have built in another.

Alica Del Valle is trademark counsel for salesforce.com. She is serving a second year on the Barristers Club Board of Directors and is treasurer.



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SOPA/PIPA and Online Copyright

Eric Goldman, Professor, Director of the High Tech Law Institute
at Santa Clara University School of Law


Slide 1

Santa Clara University

SOPA/PIPA and Online Copyright Battles

Prof. Eric Goldman
Director, High Tech Law Institute
<http://www.ericgoldman.org> • <http://hightechlaw.scu.edu>
egoldman@gmail.com

The Jesuit university in Silicon Valley



SOPA/PIPA and Online Copyright

Eric Goldman, Professor, Director of the High Tech Law Institute
at Santa Clara University School of Law

Slide 2



SOPA/PIPA and Online Copyright

Eric Goldman, Professor, Director of the High Tech Law Institute
at Santa Clara University School of Law

Slide 5

January 18, 2012

19 Senators opposed PIPA *in one day*:

Kelly Ayotte (R-NH)*
Mark Begich (D-AK)
Roy Blunt (R-MO)*
John Boozman (R-AR)*
Scott Brown (R-MA)
Ben Cardin (D-MD)*
Tom Coburn (R-OK)
John Cornyn (R-TX)
Jim DeMint (R-SC)
Orrin Hatch (R-UT)*

James Inhofe (R-OK)
Mark Kirk (R-IL)
Mike Johanns (R-NE)
Jeff Merkley (D-OR)
Lisa Murkowski (R-AK)
Marco Rubio (R-FL)*
Olympia Snowe (R-ME)
Pat Toomey (R-PA)
David Vitter (R-LA)*

* = former PIPA co-sponsor

Source: http://arstechnica.com/tech-policy/news/2012/01/pipa-support-collapses-with-13-new-opponents-in-senate_ars



SOPA/PIPA and Online Copyright

Eric Goldman, Professor, Director of the High Tech Law Institute
at Santa Clara University School of Law

Slide 12

The screenshot displays the website 'keeptheweb.org' with the main heading 'Next Battleground—International Trade Agmts' and the logo 'keeptheweb #OPEN'. The navigation bar includes links for About, OPEN, FAQs, Supporters, PIPA, SOPA, ACTA, and FISMA. The main content area features an article titled 'The Anti-Counterfeiting Trade Agreement (ACTA)' with a sub-header 'The Anti-Counterfeiting Trade Agreement (ACTA)'. The article text discusses the impact of ACTA on digital citizens and individual privacy rights. A sidebar on the right contains social media sharing options (Like, Send, Tweet, Link), a 'Participate' section with 'Add A Bill Edit / Comment' and 'Login to Add Comments', and '101 Community Suggestions' including a suggestion about promoting formal or informal mechanisms. Below the suggestions are '44 Community Comments'.

Next Battleground—International Trade Agmts

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The Anti-Counterfeiting Trade Agreement (ACTA)

Stopping SOPA and PIPA was a historic victory for digital citizens, but ACTA potentially poses a similar threat to the global Internet community. While the agreement's stated goal of strengthening intellectual property rights is one all should support, it does so by undermining individual privacy rights and by empowering an unaccountable enforcement bureaucracy. And just like SOPA and PIPA, ACTA was crafted without input from citizens and key stakeholders in a secretive, closed-door process.

Worse, ACTA appears to be an unconstitutional power grab started by President George W. Bush and completed by President Barack Obama - despite the White House's January 14 criticism of legislative solutions that harm the Internet and erode individual rights. The Constitution gives Congress the power to pass intellectual property legislation - like SOPA and PIPA - and gives the Senate the power to ratify treaties. But the Obama Administration maintains that ACTA is not even a treaty, justifying the exclusion of both American citizens and their elected representatives. It is a practice Vice President Joe Biden decried as a U.S. Senator. Closed doesn't cut it. We opened up ACTA in Madison so you can sign up, speak out and collaborate to build a better "treaty."

1 2 3 4 5 6

CHAPTER I INITIAL PROVISIONS AND GENERAL DEFINITIONS [2]

Section 1: Initial Provisions

ARTICLE 1: RELATION TO OTHER AGREEMENTS

Nothing in this Agreement shall derogate from any obligation of a Party with respect to any other Party under existing agreements, including the TRIPS Agreement. [2]

ARTICLE 2: NATURE AND SCOPE OF OBLIGATIONS

1. Each Party shall give effect to the provisions of this Agreement. A Party may implement in its law more extensive enforcement of intellectual property rights

Like | Send | Tweet 74 | Link

Participate

Add A Bill Edit / Comment

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101 Community Suggestions

4. Each Party shall promote, where appropriate, the establishment and maintenance of formal or informal mechanisms, such as advisory ...

Carolyn B. Mar 6th, 2012 10:45 pm

3. Each Party shall, as appropriate, promote internal coordination among, and facilitate joint actions by, its relevant law enforcement ...

Carolyn B. Mar 6th, 2012 10:42 pm

(c) unless a Party has provided its relevant law enforcement authorities with the authority described in subparagraph (b), at least ...

44 Community Comments

SOPA/PIPA and Online Copyright

Eric Goldman, Professor, Director of the High Tech Law Institute
at Santa Clara University School of Law

Slide 13

The screenshot displays the website of the Office of the United States Trade Representative. The main heading is "Next Battleground—International Trade Agmts". The page is titled "Trans-Pacific Partnership".

Resource Center

- Trade Agreements
- WTO & Multilateral Affairs
- Free Trade Agreements
 - Australian FTA
 - Bahrain FTA
 - CAFTA-DR (Dominican Republic-Central America FTA)
 - Chile FTA
 - Colombia FTA
 - Israel FTA
 - Jordan FTA
 - KORUS FTA
 - Morocco FTA
 - North American Free Trade Agreement (NAFTA)
 - Oman FTA

Trans-Pacific Partnership

On November 12, 2011, the Leaders of the nine Trans-Pacific Partnership countries – Australia, Brunei Darussalam, Chile, Malaysia, New Zealand, Peru, Singapore, Vietnam, and the United States – announced the achievement of the broad outlines of an ambitious, 21st-century Trans-Pacific Partnership (TPP) agreement that will enhance trade and investment among the TPP partner countries, promote innovation, economic growth and development, and support the creation and retention of jobs. President Obama along with the other eight TPP leaders agreed to seek to finalize an agreement in the coming year.

- [Trans-Pacific Partnership Leaders Statement](#)
- [FACT SHEET: The United States in the Trans-Pacific Partnership](#)
- [Outlines of the Trans-Pacific Partnership Agreement](#)
- [Trans-Pacific Partnership \(TPP\) Trade Ministers' Report to Leaders](#)
- [Remarks by President Barack Obama in Meeting with Trans-Pacific Partnership](#)

The Trans-Pacific Partnership (TPP) Agreement will feature new cross-cutting issues not previously included in trade agreements, such as making the regulatory systems

TPP Information

- [TPP Blog](#)
- [TPP Economic Opportunities](#)
- [State Benefits from Trade with the Asia-Pacific Region](#)
- [TPP Contacts](#)
- [TPP: Frequently Asked Questions](#)
- [Public Comments on TPP](#)
- [Ask a Question or Provide Comments on TPP](#)

TPP Negotiation Updates

Round 11 - Melbourne, Australia, March 2-9, 2012

[Update on the 11th round of Trans-Pacific Partnership Agreement \(TPP\) negotiations](#)

SOPA/PIPA and Online Copyright

Eric Goldman, Professor, Director of the High Tech Law Institute
at Santa Clara University School of Law

Slide 14

Next Battleground—Courts

<p>DECKERS OUTDOOR CORP., Plaintiff, v. LIYANGHUA, et al., Defendants.</p>	<p>TRUE RELIGION APPAREL, INC.; GURU DENIM, INC., Plaintiffs, v. XIAOKANG LEI D/B/A TRUERELIGIONJEANS4OUTLET.COM; LIN JIANYU D/B/A TRUERELIGIONJEANSOUTLETS.COM; ZHAO YANG QU D/B/A TRUERELIGION2CHEAP.COM; RONGLIAN LU D/B/A TOPTRJEANS.COM; FORTRUERELIGIONJEANS.COM D/B/A FASHIONJEANSHOP@GMAIL.COM; XIN JIE KOU D/B/A TRUERELIGIONSALE.CO.UK; JIAQIAO LV D/B/A TRUERELIGION2CHEAP.COM; ZHAO YANG QU D/B/A TRUERELIGION2CHEAP.COM; WANGMING D/B/A JEANSWHOLESALEINC.COM; SERVICE@TRUERELIGIONLIKE.COM D/B/A OBCS001@HOTMAIL.COM D/B/A TRUERELIGIONLIKE.COM; CHEAPERTRUERELIGIONJEANS.NET D/B/A JACKROSEGATES@GMAIL.COM; XIAOYU CHEN D/B/A SHI2345602@HOTMAIL.COM D/B/A CHEAPTRUERELIGIONJEANSOUTLETS.COM; LUCY KING D/B/A LUCYKING88@YAHOO.COM D/B/A MYFASHIONJEANS.COM; TOM SMITH D/B/A KICKSONFOOT@GMAIL.COM D/B/A BUYTRUERELIGIONJEANS.NET D/B/A QIUWANG.NET; QIN KE D/B/A CHEAPTRUERELIGIONJEANS@HOTMAIL.COM D/B/A MRSJIANG123@HOTMAIL.COM; TAN JUN D/B/A WORLD203@HOTMAIL.COM D/B/A BTWGOLD4@HOTMAIL.COM; JINGSHUN HUANG D/B/A HAOTIAN INTERNATIONAL INDUSTRIAL CO., LTD. D/B/A NIKECOOL.COM; CHEN JINSHAN D/B/A HONG KONG TIMES SQUARE TRADING CO., LTD. D/B/A V9MAIL.COM; CHEN ZHFENG D/B/A ZHIF CHEN@163.COM D/B/A HONG KONG JAVON TRADE LTD. D/B/A TINRUI.COM; LI FENGNIAN D/B/A FENG08183@SOHU.COM D/B/A CHEAP SKYS CO., LTD. D/B/A CHEAP-SKYS.COM; SHOES-GOOGLE CO., LTD. D/B/A GOTRADINGZONE.COM D/B/A GOTRADINGZONE@HOTMAIL.COM; GUOFANG XIAO</p>	<p>RICHEMONT INTERNATIONAL S.A.; RICHEMONT NORTH AMERICA, INC.; CARTIER INTERNATIONAL A.G.; CHLOÉ S.A.S.; OFFICINE PANERAI A.G.; MONTBLANC-SIMPLO G.M.B.H.; MONTBLANC NORTH AMERICA, LLC; and CARTIER, IWC, VACHERON CONSTANTIN, BAUME & MERCIER, CHLOÉ, PANERAI, PIAGET, and JAEGER-LECOULTRE, EACH A DIVISION OF RICHEMONT NORTH AMERICA, INC., Plaintiffs, v. MONTESOL OU, BANTAM INTER LP, UAB WESTCARGO, ALL D/B/A THE INTERNET DOMAIN NAMES IDENTIFIED IN APPENDIX A; THE PARTNERSHIPS AND UNINCORPORATED ASSOCIATIONS IDENTIFIED BY THE FOREGOING DOMAIN NAMES; JOHN DOES, AND ABC COMPANIES, Defendants.</p> <p>CHANEL, INC., Plaintiff, v. THE PARTNERSHIPS and UNINCORPORATED ASSOCIATIONS IDENTIFIED ON SCHEDULE "A" and DOES 1-1000, Defendants.</p>
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Inside In-House

Interview with Salesforce.com Attorney Alica Del Valle by Marc Greenberg

Notes

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