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Introduction: Global Intellectual Property Rights: Boundaries of Access and Enforcement


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Introduction

William M. Treanor*

Thank you very much. It is a pleasure to have the opportunity to formally welcome you here today.

As much as anyone, I am aware of the explosion of interest in intellectual property. My first job as a summer associate was with a midtown firm. There were twenty-five people in the program. The firm decided, for the first time, that they would have a summer associate working in intellectual property. None among the twenty-five of us were interested in intellectual property, but I think the firm decided that I would be the one because I had a beard and looked like an intellectual.

I was assigned to the area, but there was really nothing for me to do. It was very pleasant. I wound up spending most of the summer doing antitrust because, at that time, intellectual property was a quiet area of the law comparatively speaking.

The past twenty years have seen an enormous transformation, which you can see in every dimension. You can see it in the growth of practice; in the attention we focus on intellectual property in the Law School; in the growth of this fabulous Journal, which nobody would have thought of twenty years ago; and in intellectual property course enrollment.

Last year when I taught intellectual property, we had sixty students. This year, when Professors Katyal and Reidenberg teach intellectual property, we will have 120 students. I think this is because of the expanding interest in intellectual property.

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It is an extraordinary area. What the *Intellectual Property, Media & Entertainment Law Journal* has done here is put together a symposium that focuses on what I think are the three most cutting-edge issues in intellectual property today: our first panel focuses on patents, *The End of Equivalents? Examining the Fallout from Festo*;¹ then we will look in the afternoon at *Eldred*,² a case just argued last month before the Supreme Court, and which I think is going to be the formative case in shaping the relationship between intellectual property and the Constitution for the next generation; and then our final panel will explore the relationship between the First Amendment and Internet filters. The *Journal* has very carefully put together three fabulous programs on what I think are the three most compelling issues in the current debate.

I would like to acknowledge the *Journal* and its remarkable work; the Editor-in-Chief, Jaclyn Ward; the Managing Editor, David Perry-Campf; and Kathy Bartlett, the Symposium Editor, who played such a critical role in putting together this extraordinary program.

I would also like to acknowledge the two faculty advisers to the *Journal*, Professor Hugh Hansen and Professor Andrew Sims, for the guidance they have given to our students over the years.

We also have an extraordinary group of panelists today, panelists who come from government, from academia, the private bar, and nonprofit organizations. I would like to particularly recognize the panel moderators: John Richards of Ladas & Parry; Professor Hugh Hansen; and Professor Joel Reidenberg, who is also a member of the Fordham Law faculty.

It is my great privilege now to introduce the first panel, which is entitled *The End of Equivalents? Examining the Fallout from Festo*. The panel is moderated by Mr. Richards, a Partner at Ladas & Parry. The panelists include: J. Michael Jakes, a Partner at Finnegan, Henderson, Farabow, Garrett & Dunner; Herbert

¹ *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd.*, 535 U.S. 722 (2002).

² *Eldred v. Reno*, 239 F.3d 372 (D.C. Cir. 2001), *aff'd sub nom. Eldred v. Ashcroft*, 123 S. Ct. 769 (2003).

Schwartz, Senior Partner at Fish & Neave; Harold Wegner, a Partner at Foley & Lardner.

Thank you and welcome to Fordham. Mr. Richards, I turn matters over to you.