



SCHOOL OF LAW

CASE WESTERN RESERVE  
UNIVERSITY

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# Case IP Law News

From the Spangenberg Center for Law, Technology & the Arts

## Representing Artists, Athletes and Innovators

Case Western Reserve  
receives \$3 million gift  
for the Spangenberg  
Center for Law,  
Technology & the Arts

Case Western Reserve University School of Law received a \$3 million gift from the Spangenberg Family Foundation that will have a significant impact in the intellectual property field and endow the Center for Law, Technology & the Arts.

Their contribution sustains and expands the school's IP law program and offers more opportunities for students to gain real-world experience as they represent entrepreneurs in their pursuit of turning ideas into assets.

Erich Spangenberg (LAW '85) is the founder and chairman of Dallas-based IP Navigation Group. Prior to founding the company, he was a partner at Jones Day; senior vice president of investment banking at Donaldson, Lufkin & Jenrette; and president of both Smartalk Teleservices and Acclaim Ventures Group. He earned his BA at Skidmore College and MS from the London School of Economics.

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A recognized **leader** in the growing intellectual property law industry



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# Case and Harvard team up for "Creativity Without Law" conference on Nov. 7

The Spangenberg Center for Law, Technology & the Arts—along with cosponsor, the Harvard University Berkman Center for Internet and Society—will host "Creativity Without Law" on Nov. 7.

Intellectual property law assumes that creators require a legal right to prevent copying, or they will under-invest in new works. But this premise fails to fully capture the reality of creative production because it overlooks the capacity of creative industries for self-governance and innovative social and market responses to appropriation.

This conference will bring together leading experts to discuss the role that non-legal regulatory structures play in incentivizing creative production. In particular, the conference will consider how social norms within creative communities and marketplace pressures and strategies can drive new creativity even in the absence of legal protection against copying.

A growing body of scholarship examines the on-the-ground practices of creators and innovators. That scholarship challenges intellectual property orthodoxy by suggesting that incentives for creative production often exist in the absence of, or in disregard for, formal legal protections. Instead,

many communities rely on evolving social norms and market responses to ensure creative incentives. From tattoo artists to medical researchers, Nigerian filmmakers to roller derby players, these communities demonstrate how creativity can thrive without legal incentives, and perhaps more strikingly, that some creative communities prefer self-regulation to law.

Beyond its descriptive value, this discussion can help ground debates over IP policy in the empirical realities of the creative process. Their parallels and divergences also highlight the value of rules that are sensitive to the unique mix of conditions and motivations of particular industries and communities, rather than the monoculture of uniform regulation of the current IP system.

The conference borrows its theme and title from the book *Creativity Without Law: How Communities and Markets Challenge the Assumptions of Intellectual Property*, forthcoming from NYU Press and edited by LTA's Aaron Perzanowski and the Berkman Center's Kate Darling.

The event will be held in Case Western Reserve University School of Law's Moot Courtroom (A59) from 8:30 a.m. to 4:30 p.m., and it will be webcast. Visit [law.case.edu/lectures](http://law.case.edu/lectures) for more information.

## ABOUT THE SPANGENBERG CENTER FOR LAW, TECHNOLOGY & THE ARTS

Our intellectual property program is unlike any other. Supported by a \$3 million gift from the Spangenberg Family Foundation, the Spangenberg Center for Law, Technology & the Arts focuses on intellectual property, technological innovation, and technology transfer; the intersection of science, economics and philosophy and the law; legal issues concerning biotechnology and computer technologies; and laws and cultural issues relating to the creative arts.

Our students represent real entrepreneurs in their quest to launch new businesses and products and study the latest trends in the growing intellectual property field. They learn what it means to represent creators, including scientists, athletes and artists.





# Representing Artists, Athletes and Innovators *Continued from page 1*

"Just as breakthroughs in the intellectual property field have the ability to transform lives, so too does this gift serve as a turning point and expand what our center can do," said Craig A. Nard, notable IP law scholar and Director of the Spangenberg Center for Law, Technology & the Arts. "The Spangenberg family's generosity will not only impact the lives of our students and support our educational program; it will assist us in our direct representation and counseling of innovators in the Northeast Ohio entrepreneurial ecosystem and facilitate the downstream push of new products to the market. Today, intangibles like intellectual property make up a majority of the asset value of the Global 1000, and our students will be better trained to address the needs associated with this massive asset class."

The hallmark of the center's educational model starts with Fusion, a certificate program comprised of JD, MBA and PHD science students. Working together, teams of students bring their varying areas of expertise to one classroom as they explore a new technology, build a business strategy around it and provide the legal assistance relating to commercializing the technological asset, including IP protection.

Fusion students are adequately prepared to then transition into the school's new IP Venture Clinic, where they handle real cases and represent startup ventures, mostly in Northeast Ohio. The multi-million dollar gift will allow the clinic to expand its reach outside the region.

"With the Fusion program, Case Western Reserve law school brings an interdisciplinary approach to teaching IP law. This is something you don't see often in law schools, and one of the many reasons why we wanted to support the center's mission," Erich Spangenberg said. "Under Craig's leadership, the center's programs and curriculum reflect what today's good IP lawyers, scientists, engineers and business managers should know: a deep understanding of the diverse array of legal and business tools needed to move forward with the proper management and appreciation of this asset class."

In addition to its interdisciplinary approach, what makes Case Western Reserve's IP law program unique is its real practice opportunities and a network of partnerships to give entrepreneurs the resources they need at every step of the process – including business strategies, legal assistance and even seed funding – to take their inventions to the marketplace.

"It's about training students to represent the creator, innovator and artist. That's not solely a technological enterprise; it is an interdisciplinary endeavor, including not only business and legal principles, but also artistic design. How do you construct a start-up company to position it for funding? What should go into that venture? These are complex issues that our students are addressing," Nard said.

With the Spangenbergs' donation, the center will continue its mission at a greater scale: represent more clients, launch more businesses and educate more students. It will also emphasize the school's leadership in IP law.



*The Spangenberg Family Foundation, established by Erich and Audrey Spangenberg, gave the law school \$3 million to support its IP law program.*

The center is already teaming up with Harvard University's Berkman Center for Internet and Society on a national conference in November 2014 based on a book *Creativity Without Law: How Communities and Markets Challenge the Assumptions of Intellectual Property*, forthcoming in NYU Press and edited by Professor Aaron Perzanowski and the Berkman Center's Kate Darling (see page 2).

The Spangenbergs' gift will give the center the funding to hold more conferences, solve real-world IP law problems on an international level and help lawmakers make and develop policy decisions.

The donation also provides funding to continue to expand externships and opportunities for students. One example is the school's World Intellectual Property Organization (WIPO) Research Lab, which kicked off last spring (see page 7).

Future student opportunities, like the WIPO lab, may now be added as a result of the Spangenbergs' donation.

"The impact of the Spangenbergs' generosity knows no bounds," Interim Deans Michael Scharf and Jessica Berg said in a statement. "We can't thank them enough for their support, which is paramount to our law school's mission of moving forward as a national leader in intellectual property law."



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— Craig A. Nard, notable IP law scholar and Director of the Spangenberg Center for Law, Technology & the Arts.



## RECENT GRADUATE PROFILES

### Hollywood Dream: Rebecca Gilbert ('12)



Every law school claims accomplished alumni. But how many can count among their graduates the studio head who brought Harry Potter to the screen? And perhaps even more impressive, he was neither too big nor too busy to bring a 3L the chance of a lifetime. Credit Rebecca Gilbert Weisberg ('12) for making sure to meet former Warner Bros. Chairman and CEO Barry Meyer ('67) when he came to campus. Then, for making enough of a positive impression on him to land interviews in the company's law department – including one four days after her wedding. At 25, she became one of the youngest attorneys ever to join the storied studio. She is the production attorney for the following shows: CBS's *Mom* and *Stalker*; The CW's *The Flash*; and TBS's comedies, *Ground Floor*, *Buzzy's* and *Sullivan & Son*.

### Federal Clerkship: Christopher Chan ('07)

Christopher Chan never imagined where his degree would take him upon graduation. He finished a clerkship this summer as the first law clerk to the Hon. Raymond T. Chen at the U.S. Court of Appeals for the Federal Circuit, located next to the White House. The court has national jurisdiction to hear appeals on patent and certain civil cases from courts such as the U.S. Court of International Trade and the Court of Federal Claims. Chris was responsible for assisting Judge Chen with starting up his chambers, preparing him for his docket of cases, and helping him draft his opinions on IP, international trade and veterans' affairs. Judge Chen selected Chris to join him after practicing six years at the IP law firm, Finnegan Henderson. At Finnegan,



Chris specialized on IP litigation and transactional matters. He experienced three district court trials, month-long depositions in Paris, and first chairing a pro-bono child custody dispute before D.C. Superior Court.

# Law school launches free online course "Representing the Professional Athlete"

Challenging sports marketing and investment decisions can make or lose athletes millions of dollars and affect their career. Athletes and the professionals who represent them know this better than anyone, and that's exactly from whom students will learn when they enroll in the law school's new free online course, called a Massive Open Online Course (MOOC).

The MOOC features interviews with the primary advisor for football stars Eli and Peyton Manning, and an interview with the No. 1 MLB draft pick of the Cleveland Indians in 2013, Clint Frazier, to name a few. It also delves into some of the latest sports news issues, including LeBron James' decision to return to Cleveland.

"There are 6 modules. Each one is about 75 minutes and features the best sports marketing and investment advisors in the industry," Professor Peter Carfagna said. "It's a who's who in the world of sports agents and advisors."

The MOOC starts Sept. 16 and registration is open to any member of the public. More information, including a promotional video, can be found at [www.coursera.org/course/sportsagents](http://www.coursera.org/course/sportsagents).

Carfagna serves as Distinguished Visiting Practitioner at Case Western Reserve. He is also Chairman/CEO of Magis, LLC, a privately owned sports marketing, management and investment company, including family ownership of the Lake County Captains, Cleveland Indians Class A Affiliate. From 1994-2005, Carfagna served as Chief Legal Officer & General Counsel of International Management Group (IMG) and was Senior Partner at Jones Day before that.

His course is based on his book, *Representing the Professional Athlete*, 2d (West Academic Casebook 2014). During the MOOC, Carfagna walks through the four stages of an athlete's career and provides a broad scope of the landscape of amateur and professional sports to avoid the pitfalls and traps that so many athletes have fallen into in the past; not to mention, bringing updates regarding the rapidly changing sports world that we live in today.



Professor Peter Carfagna

"There are 6 modules. Each one is about 75 minutes and features the best sports marketing and investment advisors in the industry. It's a who's who in the world of sports agents and advisors."

Analyzing the best practices in the management of superstar athletes with whom Carfagna and his expert guests have worked, the course shows students how to manage the career of any professional athlete who might seek strategic guidance at any stage of his or her professional career.

Carfagna describes the MOOC as a "virtual reality trip" of what it's really like to manage an athlete. The course gives students a taste of his full-semester course at the law school.

"It's law light," he said. "In the real course, we actually have students draft all of the relevant agreements that would be required to protect the athlete's publicity rights and income streams."



# Leading IP scholars from eight countries come to Case Western for summer academy

What are European and North American companies looking for in an IP deal? What is the new European patent environment like? What are the tensions between the laws of ethics and science in the IP field?

These questions and much more were explored in the eighth annual Transatlantic Intellectual Property Summer Academy in June 2014. Case Western Reserve University School of Law hosted the academy this year in partnership with Bocconi University.

The one-week course featured leading IP scholars and researchers from eight countries in Europe and North America. It focused on the role of IP law in biotechnology and life sciences, but also intersected with other disciplines such as IP economics, business and operational practicalities at an international level.

The program included visits to start-up companies and Cleveland Clinic Innovations, the commercialization arm of the hospital system that is responsible for turning inventions into medical products.



*Leading IP scholars and researchers from eight countries in Europe and North America attended the eighth annual Transatlantic Intellectual Property Summer Academy at the law school.*

## Students learn from industry's best at Sports and Entertainment Law Academy



*TOP LEFT: Clint Frazier, the Cleveland Indians' No. 1 draft pick in 2013, participated in Case Western Reserve University School of Law's Sports and Entertainment Law Summer Program.*

*BOTTOM LEFT: Students speak to Andy Simms, co-founder of PlayersRep Sports Management and a Case Western Reserve law alum. PlayersRep is one of the foremost leaders in the field of athlete representation.*

*TOP RIGHT: Students visited Classic Park, home of the Lake County Captains, during the summer academy. The Captains are a Cleveland Indians' Single A affiliate.*

*BOTTOM RIGHT: Ivan Schwarz, President of the Greater Cleveland Film Commission, speaks with students. Schwarz played an instrumental role in putting Cleveland on the map in the film industry and paving the way for filming major motion pictures, including "Captain America: The Winter Soldier" and "Draft Day."*



# Pegah Zardoost is first student to enroll in JD-MA in Art History & Museum Studies dual degree

A classic rock music hit is *Cleveland Rocks*. So does Pegah Zardoost—Case Western Reserve University School of Law's first candidate for a JD-MA in Art History & Museum Studies dual degree.

She put both scholarly interests to good use during the 2014 summer at legal offices of The Rock and Roll Hall of Fame and Museum, a Cleveland landmark and international tourist destination. She was there as a legal intern while working toward externship credit.

"I feel really lucky and excited to be the first candidate for the joint JD-MA in Art History & Museum Studies. I'm so happy everything worked out for me," Zardoost said. "I feel excited and a little nervous."

The excitement is because Zardoost is looking forward to a professional path she most prefers. The nerves come from knowing her career choice is in an emerging arts/law field.

"I will be growing and changing as a new attorney either in the field or right beside it," she said.

A few years ago, she considered going into a seminary to seek ordination in her Unitarian Universalist faith, or putting her focus on becoming a PhD in art history. Classical art was her passion as an undergraduate.

"I really didn't want to leave that world of classics and art history forever, because I loved it so much, but I still really felt like a JD would be a great degree to have, whether or not I wanted to practice law," she said. "With the dual degree I'm pursuing, I can have both worlds."

Due to some shared credits, Zardoost expects to accomplish both degrees in a four-year span, rather than five years had she done them separately. Meanwhile, she has learned about rock music as an art form and the legal issues involved in preserving it at a museum. At the Rock Hall, she benefits from the knowledge of two attorneys in-house, the general counsel and assistant general counsel.

"They're both wonderful, kind, incredibly talented women. They've made me feel welcome and respected since my first day. There's actually a lot of legal work that we deal with, and we still use outside counsel



*Pegah Zardoost interned in the general counsel's office at Cleveland's Rock and Roll Hall of Fame during summer 2014.*

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for a few niche areas where we could benefit from added expertise."

Zardoost started her third year this fall and is participating in the law school's IP Venture Clinic. She's already studied copyright and trademark law, completed the Law of Archaeological Relics course and participated in entertainment classes through the Great Lakes Sports and Entertainment Law Academy. She is looking forward to the opportunity to intern at the Cleveland Museum of Art during her master's degree.

"I'm passionate about this kind of work," she said. "I am pursuing the dual degree now to give myself a unique niche and kind of an

edge down the road, because this definitely isn't a common degree combination."

When she investigated coming to Cleveland for law school at Case Western Reserve, she had done her Cleveland due diligence and knew that the Rock Hall was an important part of Cleveland's culture. So when an opportunity presented itself through the law school's Career Development Office, she was ready. Suddenly, the legendary names of rock'n'roll were with Zardoost. But does one stand out for her?

"For some reason, among all the entertainers we have featured in our collections, Elvis is my favorite," she said.



# World Intellectual Property Organization (WIPO) Research Lab debuts at law school

Case Western Reserve's World Intellectual Property Organization (WIPO) Research Lab, an innovation of the Spangenberg Center for Law, Technology & the Arts, had its first group of students in the Spring 2014 semester.

The lab runs like an experimental think tank, and is aimed at generating team-based research projects that can be delivered within the semester time frame. The lab generates research papers on issues on which WIPO institutional capacity may not exist and are aimed at generating internal discussion, as well as, where appropriate, further discussion with WIPO stakeholders.

WIPO is the pre-eminent international institution responsible for the development, management, and coordination of international intellectual property. The lab explored cutting-edge issues directly at the interface between research and policy in international intellectual property at WIPO.

"The research topics presented real challenges but the results bore out the hopes of the program; that the fresh eyes of the students and the academic setting of the lab would produce unexpected ideas and approaches, even if it involves a steep learning curve and some false starts," said Visiting Assistant Professor Dalindyabo Shabalala, who supervised the students in partnership with the team in the WIPO Traditional Knowledge (TK) division. "The topics have been so interesting that several of the students have continued working on the topics and issues over the summer and discussions have begun with the WIPO division on providing externships as part of the Case capstone experience."

The WIPO lab aims to do more than just provide students with an interesting way to meet their writing requirement; it aims to provide them with a key experiential product – a piece of work that can make a difference in real-world policymaking, is of high enough quality to be disseminated, and can be a calling card for them as they seek further opportunities.

## FACULTY UPDATES

### PROFESSOR CRAIG A. NARD



**Publication**  
*Intellectual Property's Delicate Relationship with the Marketplace*, ANNALI ITALIANI DEL DIRITTO D'AUTORE DELLA CULTURA E DELLO SPETTACOLO, XXII (2013).

#### Presentations

Visiting the Univ of Torino/WIPO in Sept 2014 as a Visiting Professor on American Patent Law.

At the Centre d'Etudes Internationales de la Propriete Intellectuelle, University of Strasbourg, Strasbourg, France, on "American patent law reform" as a Visiting Professor (2014).

#### Media

Appeared live on the legal radio program The Docket on July 7 on KUCI-FM, the public radio station of UC Irvine. He discussed the Federal Circuit and calls to reboot the appeals court.

Quoted in *Wall Street Journal* article "Critics Fault Court's Grip On Appeals For Patents" on July 7, 2014.

### PROFESSOR AARON PERZANOWSKI



**Publications**  
"Reconciling Intellectual and Personal Property," 90 *Notre Dame Law Review* \_\_\_\_ (forthcoming 2014).

Legislating Digital Exhaustion, 28 *Berkeley Technology Law Journal* \_\_\_\_ (forthcoming 2014).

Afterword: Conferring About the Conference, *Houston Law Review* (forthcoming 2014).

His book *Creativity Without Law* will be published by NYU Press in 2015.

#### Presentations

Served as a fellow and commentator at the University of Houston Law Center IPIL National Conference, ReCalibrating Copyright: Continuity, Contemporary Culture, and Change on May 31, 2014.

Testified regarding the first sale doctrine, remixes, and statutory damages at the United States Patent and Trademark Office Copyright Green Paper Roundtable held at Vanderbilt University Law School on May 21, 2014.

Presented Reconciling Personal & Intellectual Property at the Association for Law, Property and Society Conference at the University of British Columbia on May 2, 2014.

Presented Legislating Digital Exhaustion at The Next Great Copyright Act Conference at the UC Berkeley School of Law on April 3, 2014.

#### Media

Participated in a Q & A article with Cleveland.com writer Zack Meisel: "What does the Washington Redskins' loss of a trademark mean for the Cleveland Indians and Chief Wahoo" on June 19, 2014.

Guest on NPR's The Sound of Ideas discussing network neutrality on June 10, 2014.

Quoted in *Wall Street Journal* article on copyright protection for professional athletes' tattoos on June 16, 2014.

Quoted in *Crain's* article on Redskins and Indians trademarks on June 20, 2014.

Interviewed by ABC Newsnet 5 about Redskins and Indians trademarks on June 18, 2014.

### VISITING PROFESSOR DALINDYABO SHABALALA



#### Presentation

Served as a Panelist in Session 2 - Climate Change, Public Health and Food and Nutrition Security, at the World Universities Network (WUN) Joint 4th Public Health/

Responding to Climate Change Global Challenge Conference "Global Health and Climate Change: An Interdisciplinary And Transgenerational Approach" in Cape Town, South Africa, in March 2014.

Will defend his approved PhD thesis "Climate Change, Technology Transfer and Intellectual Property: Option for Action at the UNFCCC" on Oct. 15 at Maastricht University.



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Case Western Reserve  
University School of Law  
proudly announces the  
**Spangenberg Center for Law,  
Technology & the Arts** and  
receives a \$3 million gift to  
support its IP law program.

Read more inside this inaugural  
issue of ***Case IP Law News!***

