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Case IP Law News

From the Spangenberg Center for Law, Technology & the Arts

NASA and Case Western Reserve partner on space-age water project

NASA Glenn Research Center and the Spangenberg Center for Law, Technology & the Arts analyze ways to commercialize a promising new water purification technology

NASA Glenn Research Center scientists and students in Case Western Reserve University's interdisciplinary Fusion program spent the last academic year focusing on novel water purification technology and how to commercialize it.

Senior researchers at NASA Glenn developed and tested a promising technology that reduces organic contaminants to carbon dioxide and clean water. NASA is experimenting with applying high-voltage pulses to fluids to form what is called "non-equilibrium plasma."

Others have experimented with similar technology to purify water for more than a decade, but NASA's approach is considered novel because it uses much less energy and doesn't heat the water.

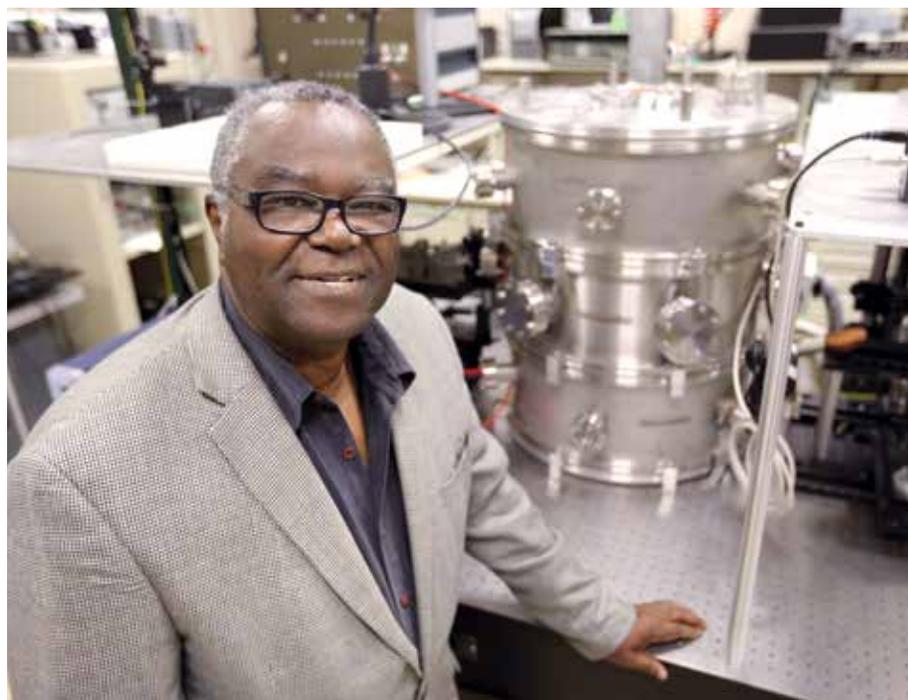


Photo by Lisa Dejong, The Plain Dealer

Also, NASA's device is scalable to a specific need, so it can be used at a relatively low cost.

"Having NASA Glenn as a partner is particularly exciting for us as it allows our students to deploy their interdisciplinary skill set on a potentially transformative technology," said Craig A. Nard, Director of the Spangenberg Center for Law, Technology & Arts, which oversees the Fusion program.

NASA is considering applications as near as Toledo, where the spread of chemically-resistant algae in Lake Erie has become a major health concern, and in space missions, where water purification for reuse is critically needed.

To bring this technology to market, however, NASA needs to collaborate with commercialization partners. Case Western Reserve's Fusion program is assessing ways to make that happen.

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

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ABOUT THE CENTER

The Spangenberg Center for Law, Technology & the Arts, supported by a \$3 million gift from the Spangenberg Family Foundation, focuses on IP, innovation and technology transfer. In a field where science, economics, philosophy and the law intersect, the center explores legal issues concerning biotechnology, computerization and the creative arts. The center offers a JD degree concentration in Law, Technology & the Arts, as well as a dual degree program with an MA in Art History and Museum Studies. The center also offers a Masters in Patent Practice, a one-year program for science, engineering and technology graduates who want to learn patent law without earning a three-year JD degree. The center is nationally recognized, and recently earned an A in both technology and Intellectual Property law from *PreLaw Magazine*.



IP law faculty from left to right: Dalindybo Shabalala, Aaron Perzanowski, Craig Nard, Martha Woodmansee and Peter Carfagna.

IP Law Faculty

Craig A. Nard
Center Director
can8@case.edu

Raymond Ku
rsk14@case.edu

Dale Nance
dan10@case.edu

Aaron Perzanowski
akp73@case.edu

Dalindybo Shabalala
dxs597@case.edu

Martha Woodmansee
maw4@case.edu

Distinguished Practitioners-in-Residence:

Peter A. Carfagna
Theodore C. Theofrastous

Case IP Law News Editor:
Dena Cipriano
dxc402@case.edu



Photo by Lisa Dejong, The Plain Dealer

NASA and Case Western Reserve's IP law center partner on space-age water project *Continued from page 1*

Fusion

Launched in 2009, Fusion is an interdisciplinary academic approach that links students from the School of Law, Weatherhead School of Management, Case School of Engineering and STEP (Science and Technology Entrepreneurship/Innovation Programs) in the College of Arts and Sciences in collaborative teams for teaching and learning about technology commercialization.

Fusion introduces students to multi-factor evaluation tools for product and enterprise development that the students will utilize professionally. Each year, Fusion students evaluate leading-edge scientific research outputs with commercial potential.

Ted Theofrastous, who directs the Fusion program, also is managing attorney for the Case Western Reserve University School of Law's IP Venture Clinic. Theofrastous said the students' analysis will consider alignment of technology to need, cost, scale, competition and the intellectual property landscape.

"Our hope," he said, "is that aspects of the students' work may be useful to NASA in its ongoing commercialization efforts."

Technology

The NASA technology uses high-voltage, high-frequency, electrical pulses to destroy micro-organisms, sterilizing water without using toxic chemicals and filters and without heating water as other purification processes require. The technology can be scaled to meet a range of needs, from small portable units that purify drinking water in disaster relief to much larger industrial applications.

A growing demand exists for water purification — including in the Great Lakes, where the growth of toxic, sometimes treatment-resistant algae blooms in the western basin of Lake Erie is well documented. Globally, according to World Health Organization studies, improved sanitation in the world's impoverished areas can reduce disease and illness linked to micro-organisms and chemicals in the water people drink or otherwise use.

The NASA Glenn technology can offer advantages over other water treatment methods that rely on chemicals and filtration — both of which are expensive and provide less-favorable outcomes, Theofrastous said.

Innovation Partners

Robert J. Shaw, NASA Glenn Research Center's director of venture and partnerships, said the center is pleased to be partnering with Case Western Reserve Fusion students.

"One of our center's strategic goals is to be a better partner within our region and our state, and to play an appropriate role in supporting economic development in the private sector," Shaw said. "By supporting the Fusion project through offering a NASA Glenn-developed technology and providing subject matter experts, we hope we can help create the next generation of innovators and entrepreneurs who will grow our economy."

The Cleveland Water Alliance (CWA), a network of Northeast Ohio businesses, academic institutions and public agencies, is also involved in the Fusion project. Fusion students attended a water technology conference at NASA that also involves CWA.

"Fresh water innovation is increasingly driving Northeast Ohio's regional economy," said CWA Executive Director Bryan Stubbs. "The Fusion program is an example of academia at a research institution helping to accelerate water innovation. My hope would be that we bring a product to market, matching a technology with a corporate partner."

Alumnus lands dream job with sports agency for LeBron James

Jim Jiang '14 is an attorney with Klutch Sports Group

As the saying goes, timing is everything. And just before Jim Jiang graduated from law school two years ago, the timing could not have been better.

With an undergraduate degree in business from Case Western Reserve University already under his belt, Jiang wanted to earn his JD and get the legal skills needed to become an attorney in the sports industry.

In 2012, the law school launched its Great Lakes Sports and Entertainment Law Academy, a summer program for law students who want to enter the legal side of sports. Jiang landed a placement with the Cleveland Cavaliers - "a big resume builder," he says.

"I was very fortunate to get to learn from Professors Craig Nard and Peter Carfagna. They really gave me a road map of what courses I needed to take to work in this industry," Jiang said.

"It's a lot of IP contract," he explained. "The academy really gave me an advantage going forward, just to work with those documents. It's a lot of luck and a lot of timing to break into this industry."

A couple months after graduating from law school, Jiang was hired by Klutch Sports Group. Klutch was founded by Rich Paul, a Cleveland-based sports agent whose clients



include LeBron James, Tristan Thompson and John Wall, to name a few.

"It's very much a team. Rich Paul is the agent of record, and we are all support," Jiang said. "As an agency, we have 12 NBA players."

Over the summer, Jiang handled contract and administrative duties leading up to the NBA Draft in June. After the draft, he turned his attention to the free agency period and worked on negotiating new deals and extensions.

After commitments are made, the agency transitions into marketing deals and client services.

"We are very big on making sure we do what is best for our guys and their families," Jiang said. "It's really about our clients, and we put them first."

His work is nothing like a typical 9 to 5 or law firm job. He described it as non-traditional and "it keeps me on my toes."

"In this industry, the hardest part is opening that door," he said. "But once you are in, you are in."

And as for working with LeBron?

"He's a very cool guy. Very professional. Very friendly. He's very much like a normal person," Jiang said. "But ... he *is* LeBron."

Spangenberg Center hosts IP luncheons with Rachel Sachs and Mark Janis

The Spangenberg Center for Law, Technology & the Arts hosted a pair of luncheons last spring with notable experts in IP Law.

On March 17, "*Prizing Reimbursement: Prescription Drug Insurance as Innovation Incentive*" was held with Rachel E.

Sachs. Sachs will join the faculty of the Washington University in St. Louis School of Law in fall 2016. Rachel clerked for the Honorable Richard A. Posner of the United States Court of Appeals for the Seventh Circuit. Her primary research interests lie at the intersection of patent law and health law, with a particular focus on problems

of innovation and access and the ways in which law helps or hinders these problems.

On March 1, the Center hosted Mark Janis, Robert A. Lucas Chair at Indiana University Maurer School of Law. He presented his project *Are Design Patents Really Patents (And Should It Matter)?*

Rising 3L Justin Dillon trades guitar for entertainment law career

By age 15, Justin Dillon had already started a promising career in the music industry. Along with four of his classmates at Plum High School, Dillon formed *Backseat Love Story*, a band styled in a pop-punk fusion sound that quickly caught the attention of the Pittsburgh music scene. Success came fast. In just over a year, the band had signed a record deal and earned a spot on stage for the Warped Tour's stop in Pittsburgh.

But within a few years, Dillon's teenage dreams met the unforgiving realities of the business world. The record label and producer they worked with were siphoning money from the band. It was a defining moment for Dillon, who was set to begin his studies in music at Berklee College of Music.

"This experience didn't necessarily turn me off of music, but it did paint the industry in a different light. In the end, it opened up an opportunity where I could pursue both my passion for music and interest in business," he said.

"I wouldn't be doing any of this without Professor Nard. He helped me find people with ties to Case and Cleveland and played a big role in helping me tap into that community."

Driven by his experience with the record label, he traded music school and his guitar for business school and a suit, with an eye on earning a law degree focused on entertainment and intellectual property law.

"It was always entertainment and IP for me. What I went through, which unfortunately is not that uncommon in this industry, made me very determined," Dillon said. "Any creative activity, whether it be writing a song, a screenplay, poem or artwork becomes very personal to the author, and it's tough to see artists whose sole focus is to be creative get taken advantage of on the business end of the industry. I wanted to change that."

During the summer following his first year of law school, Dillon enrolled in The Great Lakes Sports and Entertainment Law Academy, a joint program with Case Western Reserve University School of Law and Cleveland-Marshall College of Law that gives students the opportunity to learn from and network with experienced professionals in sports and entertainment while competing for externship opportunities.

He took full advantage of the program's resources and educational opportunities. With assistance from Professor Craig Nard, Director of the Spangenberg Center for Law, Technology & the Arts, Dillon earned internships at Michael Eisner's Tornante Company and the Greater Cleveland Film Commission.

"I wouldn't be doing any of this without Professor Nard. He helped me find people with ties to Case and Cleveland and played a big role in helping me tap into that community," he said.



Today, Dillon is a rising 3L splitting time between Cleveland and Los Angeles, where he is completing his capstone while interning at Eric Feig Entertainment and Media Law. He describes his internship as a hands-on experience.

"It's a boutique firm with a lot of work coming in, so I've had an opportunity to really dive in and learn about the industry," he said. "I've worked on first drafts of book option deals and shopping agreements for screenplays, director and producer agreements, and transactional work on the production side such as film financing. It's been an incredible experience."

Following the completion of his capstone this December, Dillon will return to Cleveland for one last semester to complete his law degree. After graduation, he will take the first plane back to the west coast to find his new dream career.

"Spending the last two summers in LA and getting to work with and around the people that I grew up watching and listening to has been so surreal and that journey has only just begun," he said. "I'm so thankful for the education that my IP professors have given me. The support and push from the entire IP and Law and the Arts department at Case has been invaluable."

Spangenberg Center and Lee & Hayes host inaugural Fusion Innovation & Commercialization Summit



The Spangenberg Center and the law firm of Lee and Hayes brought together blue ribbon industry leaders and academic faculty for a day-long examination of innovative intellectual property and commercialization strategies.

Chip Lutton, the Former Vice President and General Counsel of Nest Labs, Inc. (now part of Google), delivered the keynote address during lunch.

In particular, the conference focused on: (1) developing and assessing intellectual property strategies in the context of new innovation; (2) cultivating perspectives and tools necessary to increase value and transactional success; and (3) determining technology validation essentials.

Additional Speakers:

John Murphy
Chief IP Counsel and Director of Legal Affairs-Intellectual Property, T-Mobile
Former Director for Business & Legal Affairs, Warner Brothers Online, Inc.

Scott Hayden
Chief Intellectual Property Counsel, Amazon
Former Director of Global Patent Operation, General Electric

Susan Parulski
Chief Patent Counsel, Carestream Health, Inc.
Former in-house patent attorney, Kodak
Past Board Member, Rochester Intellectual Property Law Association

Jon Wood
Executive Director of Innovation and Collaboration, Bridgestone Americas, Inc.

Teresan W. Gilbert
Chief Intellectual Property Counsel, The Lubrizol Corporation

Patricia A. Motta
Executive Director/Assistant General Counsel and Chief Intellectual Property Counsel, American Greetings Corporation

Leonard Stewart
Intellectual Property Counsel, Marketing & Digital Division, Caterpillar, Inc.

Brian Hinman
Chief Intellectual Property Officer, Philips Intellectual Property & Standards

Donors Recognized for Support to Create New IP Venture Clinic Suite

The Burton D. Morgan Foundation and the Tarolli law firm were recognized during a ribbon-cutting ceremony in January for their philanthropic support, which created Case Western Reserve's new IP Venture Clinic suite.

The suite provides a state-of-the-art conference space for clients to meet with Case Western Reserve law students as they file for patents and seek legal assistance in launching new products.



Case fellow grants awarded for IP and innovation research

The Spangenberg Center received dozens of proposals from highly qualified scholars from across the United States and around the globe. From this pool, we selected four projects. Peter DiCola, Jessica Silbey, and Eva Subotnik will conduct an empirical investigation of photography and its response to ubiquitous digital technology. Christophe Geiger will undertake a comparative analysis of copyright law's struggle to reconcile the derivative work right with the right of artistic expression in the United States and Europe. Ryan Holte will explore the impact of enhanced damages on disclosure, review, and ultimately, the commercialization of patents. And Brian Love and Shawn Miller will mine the PTAB's inter partes review process to identify the characteristics of strong and weak patents.

Spangenberg Center co-hosts conference with EIPIN

The Center for International Intellectual Property Studies (CEIPI) at the University



of Strasbourg hosted, in partnership with the members of the EIPIN network and the Spangenberg Center for Law, Technology & the Arts at Case Western Reserve University School of Law, the 17th EIPIN Congress, which was held in Strasbourg, from January 28-30, at Palais Universitaire. The topic was "Intellectual Property and the Judiciary."

New senior lecturer joins Spangenberg Center as Director of the First Amendment & the Arts Project



Patrick S. Kabat is a first amendment lawyer at Dentons LLP, where he serves as outside access counsel to the

Chicago Tribune. He is a fellow of the Information Society Project at Yale Law School, and was the inaugural Program Director of Yale Law School's Law and Media Program, where he co-founded the country's first legal services clinic devoted to asserting the public's right of access to court proceedings and government records.

Before joining Dentons, Kabat practiced first amendment and media law in New York City with Levine, Sullivan, Koch & Schulz, LLP, representing news organizations and media companies like The New York Times Company, HBO, the Associated Press, Gawker, and the Entertainment Software Association in a wide range of prominent content-related matters.

Kabat speaks regularly at conferences for writers, journalists, and historians on First Amendment and intellectual property issues, and maintains an active pro bono practice defending the creative freedoms of a wide range of clients, including artists, photographers, rock bands, journalists, and mixologists, who could not otherwise afford counsel.



WIPO Lab analyzes case studies on herbs, fruit, yoga

The World Intellectual Property Organization Lab run by Visiting Assistant Professor Dalindyabo Shabalala continued its collaboration with the WIPO Division on Genetic Resources, Traditional Knowledge (TK) and Traditional Cultural Expressions (Folklore).

In deciding on topics, the partners focused on the renewed negotiating mandate of the WIPO Intergovernmental Committee (IGC) responsible for developing an international instrument on TK and Folklore. The lab aimed to contribute to the negotiations by generating information on new case studies, and providing a better legal analysis of older cases for use by the participants and the TK Division where needed.

The partners chose several cases of claims of misappropriation of TK, Folklore and genetic resources and analyzed news stories, patent claims and the claims of advocates to synthesize and assess the extent to which true misappropriation had taken place. Students analyzed several cases including:

- Brazzein – pentadiplandra brazzeana – a West African fruit with proteins that have been patented as a sugar substitute by the Wisconsin Alumni Research Foundation

- Kinkeliba – *Combretum micranthum* – a plant from Senegal harvested for tea and medicinal herbs whose diabetic treatment properties have been patented by Rutgers University
- Kwao Krua – a Thai herb known for its cosmetic and healing properties, patented both by Thai and South Korean firms
- Basmati Rice – from India and parts of Southeast Asia, a hybrid version of which was patented by RiceTec, a U.S. firm.
- Yoga – claims of copyright over specific forms of traditional yoga practice in the US

For the first time, the WIPO Lab partnered with the Tulalip Tribes, based in Washington state, to carry out two research projects on tribal codes on TK, Folklore and genetic resources, and the extent of U.S. federal protection for Native American TK, Folklore and genetic resources. The research will be continued by a summer intern from the Lab, Sayini Shaw, working with the Tulalip Tribes and Shabalala.

The WIPO Lab also announced that it has partnered with the WTO Division on Intellectual Property and Public Procurement beginning in fall 2016, focusing on the wealth of data in country reports submitted to the division.

Meet Deepa Mishra, first graduate of the Masters in Patent Practice program

This spring, the first person to earn a degree from the new Masters in Patent Practice program walked across the stage at graduation and into a new career — one that is a seamless marriage of her talents, education and passion.

Deepa Mishra is a biomedical engineer by trade. A Michigan native and Midwesterner at heart, Mishra's pursuit of higher learning took her from Duke University in North Carolina, to Utah where she earned her PhD, and to the MD Anderson Cancer Center in Texas as a post-doctoral fellow. Her marriage brought her to Ohio, but an ad in *The Daily* led her to the newly launched *Masters in Patent Practice* program at Case Western Reserve University School of Law.

The Masters in Patent Practice (MPP) program is designed to build on the education and experience of students like Mishra. Targeting individuals with undergraduate degrees in engineering, computer science, or a physical or biological degree, the MPP program trains students to file, prepare and prosecute patent applications.

Mishra saw the program as a great fit. "I'm very appreciative for the opportunity to go through the Masters in Patent Practice program," she said. "It's a phenomenal program for students like me, and highly complementary to the existing programs at the law school."

In just one year, Mishra completed the MPP program, taking classes that would prepare her for an exciting career as a patent agent. Her courses were divided into two parts — the writing of patent applications and an in-depth review of the process patent applications go through once submitted. She learned from several instructors, including Judge O'Hearn, formerly with the Patent and Trademark Appeals Board, who gave insights on crafting stronger patent applications to help with the litigation, appeals board and review processes.

It was her experiential learning that led to her securing her first job as an intellectual property analyst before she graduated. Working with Professor Ted Theofrastous, his law office and Akron Children's Hospital, Mishra assisted in the setup of a Technology Transfer Office at the hospital. She worked on and off site, helping innovative nurses, doctors and surgeons

as they created the tools of tomorrow to impact the treatment and recovery of children in need of medical care.

Mishra excelled and her work caught the eye of Professor Theofrastous, who offered her a position as an IP and Commercialization Analyst with The Law Offices of T.C. Theofrastous, Ltd. After a short break following graduation, she continued her work with Akron Children's Hospital in June. Using both her PhD in biomedical engineering and the skills she developed in the MPP program, Mishra is working closely with inventors at Akron Children's Hospital to bring their ideas from conception to reality by advising them on patent documentation, identifying commercialization partners and analyzing the viability of the inventions.

For Professor Craig Nard, Director of the Spangenberg Center for Law, Technology and the Arts, Mishra serves a model for future members of the program. "We're very proud of Deepa. As a student, she excelled at every opportunity. She is incredibly bright and continually impressed us. I can't imagine a better person to have as our first graduate."



The Masters in Patent Practice is designed to prepare students for careers as patent agents. Students must be eligible to sit for the patent bar exam, which requires an undergraduate degree in engineering, computer science, or a physical or biological degree. This degree is a viable alternative for students who want to pursue a career in patent practice without having to take the full 3-year JD.

Courses in the Masters of Patent Practice

FALL	SPRING
IP Survey (3)	Patent Bar Review (4)
Patent Law (3)	IP Elective Course (3)
Patent Preparation & Drafting 1 (3)	Patent Preparation & Drafting II (2)
Commercialization & IP Management (3)	Experiential Elective (3) or Technical Elective (3)
Experiential Elective (3) or Technical Elective (3)	Patent Agent Lab (3)

High Demand for Patent Agents

This program is the first of its kind in Ohio, and one of only a handful in the nation. The demand for patent agents is growing. According to the USPTO, there are about 11,000 registered patent agents. Because of the greater scientific expertise and the ability to prepare, file and prosecute patent applications, patent agents are in demand at many law firms and corporate legal departments. The salary range for a patent agent is \$63,500 - \$120,700, and the median annual salary is \$86,500.



Students experience the legal side of sports and entertainment through Great Lakes Law Academy

Case Western Reserve University School of Law, in conjunction with the Cleveland-Marshall College of Law, hosts the annual Great Lakes Sports & Entertainment Law Academy, a hands-on, immersive summer program for law school students. The academy, founded in 2012, is located in Cleveland, Ohio, home to three professional sports franchises and thriving arts and musical institutions.

Students choose between two concentration streams — Sports Law and Entertainment Law. Each stream comprises two courses and four total credits. Students may also elect to take an additional two-credit course for an additional fee. Independent study and distance learning opportunities are available.

Students can participate in the academy entirely online, either in real-time or recorded lectures at their convenience.

World-Class Faculty

The academy faculty is made up of world-

Students choose between two concentration streams — Sports Law and Entertainment Law. Each stream comprises two courses and four total credits.

class practitioners in the fields of sports and entertainment. Among the faculty are Grammy winners, television and movie studio executives, and the owner of a minor league professional sports franchise.

Hands-On Training

Academy students have the opportunity to experience practical lawyer training through simulation-based exercises focusing on doctrine, drafting, and negotiation for professional athletes and entertainers, venues and franchises.

Accomplished Guest Speakers

Students are exposed to industry expertise through a series of guest speakers. Guest

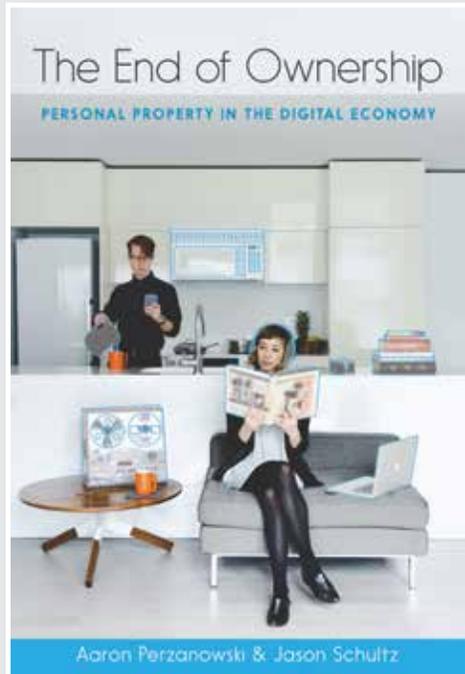
speakers at the 2013 academy included former Ohio State University football coach Jim Tressel, U.S. District Judge Dan A. Polster and Jason Hillman, general counsel of the Cleveland Cavaliers.

High-Profile Externships

Students may elect to participate in highly selective externships reserved for academy graduates. GLSELA grads have externed with organizations including the Cleveland Browns, Cleveland Cavaliers, SPIRE Institute, Vuguru Studios and Greater Cleveland Film Commission.

More information may be found at greatlakeslawacademy.com.

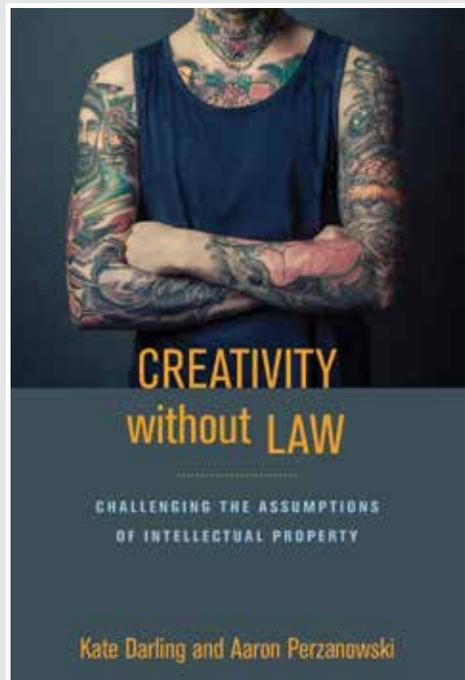
Professor Aaron Perzanowski publishes two new books



The End of Ownership: Personal Property in the Digital Economy

If you buy a book at the bookstore, you own it. You can take it home, scribble in the margins, put it on the shelf, lend it to a friend, sell it at a garage sale. But is the same thing true for the ebooks or other digital goods you buy? Retailers and copyright holders argue that you don't own those purchases, you merely license them. That means your ebook vendor can delete the book from your device without warning or explanation — as Amazon deleted Orwell's *1984* from the Kindles of surprised readers several years ago. These readers thought they owned their copies of *1984*. Until, it turned out, they didn't. In *The End of Ownership*, Aaron Perzanowski and Jason Schultz explore how notions of ownership have shifted in the digital marketplace, and make an argument for the benefits of personal property.

Of course, ebooks, cloud storage, streaming, and other digital goods offer users convenience and flexibility. But, Perzanowski and Schultz warn, consumers should be aware of the tradeoffs involving user constraints, permanence, and privacy. The rights of private property are clear, but few people manage to read their end user agreements. Perzanowski and Schultz argue that introducing aspects of private property and ownership into the digital marketplace would offer both legal and economic benefits. But, most important, it would affirm our sense of self-direction and autonomy. If we own our purchases, we are free to make whatever lawful use of them we please. Technology need not constrain our freedom; it can also empower us.



Creativity without Law: Challenging the Assumptions of Intellectual Property

Intellectual property law, or IP law, is based on certain assumptions about creative behavior. The case for regulation assumes that creators have a fundamental legal right to prevent copying, and without this right they will under-invest in new work. But this premise fails to fully capture the reality of creative production. It ignores the range of powerful non-economic motivations that compel creativity, and it overlooks the capacity of creative industries for self-governance and innovative social and market responses to appropriation.

This book reveals the on-the-ground practices of a range of creators and innovators. In doing so, it challenges intellectual property orthodoxy by showing that incentives for creative production often exist in the absence of, or in disregard for, formal legal protections. Instead, these communities rely on evolving social norms and market responses — sensitive to their particular cultural, competitive, and technological circumstances — to ensure creative incentives. From tattoo artists to medical researchers, Nigerian filmmakers to roller derby players, the communities illustrated in this book demonstrate that creativity can thrive without legal incentives, and perhaps more strikingly, that some creative communities prefer, and thrive, in environments defined by self-regulation rather than legal rules.

Beyond their value as descriptions of specific industries and communities, the accounts collected here help to 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.

From Idea to Commercialization: About the IP Venture Clinic

The Case Western Reserve University School of Law IP Venture Clinic (IPVC) provides students with the opportunity to represent start-up companies as they develop their plans to commercialize their technology. Students focus on a full range of business and intellectual property issues that start-ups face.

IP Venture Clinic builds upon and broadens the Fusion curricular focus by developing a platform for the cultivation and application of legal skills necessary to support clients engaged in the process of bringing new technologies to market. Special areas of focus include Commercialization, Intellectual Property Transactions, Venture Finance and Design and Innovation.

Students, working under the supervision of CWRU faculty, represent start-up companies and entrepreneurs to develop and cultivate real-world intellectual assets, while also applying skills learned in the fields of corporate and securities law. Here, not only do the students gain hands-on experience in both business law and intellectual property law, but they provide critically important legal resources to pre-investment entrepreneurs and inventors. As a team, IP Venture Clinic students engage graduate students from the business and science disciplines to build the case of investment.

In the IPVC, students will be provided with valuable working opportunities to apply their understanding to the process of identifying, cultivating and protecting intellectual property with an ultimate aim toward structuring a fundable transaction. The key components the clinical program include:

TECHNOLOGY PROTECTION

Student teams will develop a general IP protection strategy, working with supervising practitioners to design and implement that strategy. Students will be involved in performing prior art searches, drafting claims and participating in the application and prosecution process with the U.S. Patent and Trademark Office (USPTO) and other patent offices worldwide. Importantly, the USPTO has selected Case Western Reserve University School of Law to participate in the Patent Law School Clinic Certification Pilot Program, which provides law students the opportunity to represent clients before the USPTO. Students will also secure trademark protection and advise on branding strategies.

CULTIVATING A CLEAR BUSINESS STRATEGY

Student teams will work with early term management to create a fundable business strategy and plan.

ENTITY STRUCTURE AND FILING

Student teams will create a corporate entity and draft fundamental charter documents for the company. To the extent an early governance team is put in place, the student teams will draft agreements necessary to handle stock options and other instruments necessary to compensate management, advisors, etc.



Theodore C. Theofrastous, a Distinguished Practitioner-in-Residence, is the managing attorney of the IP Venture Clinic. Theofrastous has extensive experience in the field of high technology development and commercialization, both as a business architect and as a legal professional.

PREPARING FOR INVESTOR DILIGENCE AND BUILDING A DISCLOSURE MODEL

Students will prepare investment diligence materials necessary to support investor discussions. Such diligence materials will typically include background information regarding the proposed technology and inventors and any material information necessary to make an investment decision.

CREATING AN OFFERING

For promising deals, students will create private placement memoranda and/or crowd-sourced funding materials, as well as presentation and subscription materials necessary to close an investment transaction.

Prof. Craig Nard's articles among most-cited



According to a recent ranking, several published articles by Spangenberg Center Director Craig A. Nard, an internationally known expert in intellectual property law, are among the most-cited in IP and patent law.

Ted Sichelman, a professor at the University of San Diego School of Law, conducted the analysis, which included articles as far back as 2005.

Among the ratings for Professor Nard:

- His "Rethinking Patent Law's Uniformity Principle" (with John F. Duffy) earned the No. 8 spot of most-cited article for Patent Law from 2005-2009, and the No. 17 spot for IP Law for the same time frame
- His "Legal Forms and the Common Law of Patents" took the No. 12 spot on the list of most-cited for patent law from 2010-2015 and the No. 18 spot for IP Law for the same time frame

About Fusion: A one-of-a-kind graduate certificate program

Graduate student teams from multiple disciplines — law, business and science — work together to advance invention.

Launched in 2009 and funded by an Interdisciplinary Alliance Investment Grant (IAIG) from the Provost, Fusion works across multiple schools and departments at Case Western Reserve University to create a robust teaching environment for students. Fusion's curriculum is an integrated platform that puts interdisciplinary students on level footing relative to others' respective expertise and training, providing key competitive skills that will allow them to work productively in the field of technology development and commercialization.

Our tailored, multi-disciplinary certificate program for professional degree students leverages CWRU's national leadership in this emerging and highly-competitive

field. While concepts that include "technology transfer," "commercialization" and "technology entrepreneurship" pervade the evolving lexicon related to moving technology to market, scholarship and professional skills development in this field remain fragmented and relatively thin.

Fusion's classroom curriculum and contextual agenda are focused on the process of translating complex technology to real-world business opportunities. Our goal is to help students understand and utilize the fundamentals of law, science and management in the understanding and cultivation of scientific discoveries that can lead to industry opportunities.

The curriculum reflects the following key themes:

- Interdisciplinary teams of students work together on complex scientific, legal, and industry challenges.

- Students are exposed to the technical substance of opportunity assessment and innovation, with immediate exposure to national leaders in the field of design, entrepreneurship and venture finance.
- Students learn to apply models for valuing, managing and commercializing technology that impart intellectual property fundamentals and legal and business perspectives.
- Students desiring to complete the certificate are required to successfully pass four of the five courses. Each student is required to pass Courses II and III, which serve as core courses; each student must then elect to pass a coupling of either: Courses I and VI (collectively "Design and Creativity") or Courses IV and V (collectively "Design in Management").



Native American Tribes' & Nations' Rights to their IP explored during Spangenberg-sponsored lecture

Indigenous peoples and nations have a wealth of knowledge and resources related to their traditional ways of life. That is found in traditional knowledge, Folklore and in genetic resources which are extremely valuable to the communities and, with the advent of the knowledge economy, increasingly valuable to non-indigenous communities and corporations.

Native American groups have played an important role in these efforts and this March 3 lecture — given by Preston Hardison, policy analyst for the Tulalip Tribes of Washington — discussed the nature of the domestic and international challenges that Native American tribes face in claiming rights to their intellectual property, including traditional knowledge, cultural expressions and genetic resources.

A full webcast of the program is available at law.case.edu/lectures.

Upcoming Events

TUESDAY, OCTOBER 18, 2016

Spangenberg Distinguished Lecture

The Honorable Kathleen M. O'Malley, United States Court of Appeals for the Federal Circuit

4:30–5:30 PM, Moot Courtroom (A59)

Webcast Live, 1-hour CLE credit pending approval

FRIDAY, NOVEMBER 11, 2016

The Spangenberg Center for Law, Technology & the Arts Conference

Re-Theorizing Intellectual Property, Traditional Knowledge and Folklore: Revisiting and Reframing Rationales and Justifications for Protection of the intangible knowledge of indigenous peoples and traditional communities

8:30–5:00 PM, Moot Courtroom (A59)

Webcast Live, Reception follows, CLE credit pending approval (5.50 hours estimated)

FACULTY UPDATES

CRAIG NARD

Galen J. Roush Professor of Law; Director, Spangenberg Center for Law, Technology & the Arts and the FUSION Certificate Program in Design, Innovation & IP Management



Publications

- "Legal Fictions and Patent Law's Disclosure Function," 69 *Vanderbilt Law Review* — (2016) (Forthcoming)
- "Patent Law's Institutional Players," in *Rethinking*

International Intellectual Property Law (CEIPI-ICTSD 2016) (Forthcoming)

RAYMOND KU

Professor of Law; Director, Center for Cyberspace Law & Policy



Publications

- "Data Privacy as a Civil Right," 103 *Ky. L. J.* 391 (2015).
- *Cyberspace Law: Cases and Materials* (Aspen 4th ed. 2016)

AARON PERZANOWSKI

Professor of Law



Publications

- Co-authored with J. Silbey and M. Trimble, "Afterword: Conferring About the Conference," 52 *Houston Law Review* 679 (2015).
- "What We Buy When We Buy

Now," 165 *University of Pennsylvania Law Review* (forthcoming).

- "The Interaction of Exhaustion and the General Law," 102 *Virginia Law Review Online* 8 (2016).
- Co-authored with J. Schultz, "Reconciling Personal & Intellectual Property," 90 *Notre Dame Law Review* 1213 (2015).
- Co-authored with J. Schultz, "Legislating Digital Exhaustion," 28 *Berkeley Technology Law Journal* 1535 (2015).
- Co-authored with J. Schultz, *The End of Ownership: Personal Property in the Digital Economy* (MIT Press, forthcoming 2016).

- Edited with K. Darling, *Creativity Without Law: Challenging the Assumptions of Intellectual Property* (NYU Press, forthcoming 2016).
- "Digital Copyright Exhaustion and Personal Property," in *Research Handbook on IP Exhaustion and Parallel Imports* (Irene Caboli & Edward Lee eds.) (Edward Elgar, forthcoming 2016).

DALINDYEBO SHABALALA

Visiting Assistant Professor of Law



Presentations

- Presented a 2014 Report of the UN Special Rapporteur on Cultural Rights on "The impact on advertising and marketing practices on the enjoyment of cultural rights" on

November 12-13, 2015. Presented a draft of a paper commenting on the Report of the UN Special Rapporteur, Farida Shaheed, in the field of cultural rights at the end of her 6 year tenure. Farida Shaheed was present at this conference during which international experts commented on each of her reports. The UN reports will subsequently be published, together with the comments, in an edited volume.

- Workshop Paper "Climate Change Technologies and Human Rights — the Challenge of Identification and Implementation" University of Connecticut Law School, Workshop on Human Rights and New Technologies, October 23, 2015. Presented a working paper on the role that human rights can play in providing a stronger normative basis for challenging overly protective intellectual property regimes that it is argued prevent technology transfer to address climate change. The paper first assesses the state of the research, discussing whether the project is succeeding in both its theoretical and policy goals but primarily aims to outline what the project implies for identifying the nature and scope of the technologies to be transferred. In doing so, I revisit the work on Article 15(1)(b) of the Committee on Economic, Social and Cultural Rights and the Special Rapporteur on the right to "enjoy the benefits of scientific progress and its applications."

MARTHA WOODMANSEE

Professor of English and Law



Presentation

- On October 22, Martha Woodmansee delivered a key-note address at an international conference devoted to "(Re)-constructing Authorship" held at

the arts & sciences research center Akademie Schloss Solitude in Stuttgart, Germany.

- On January 11, Martha Woodmansee presented an invited lecture, "The Practices of Collaborative Value: Challenging Single Authorship Modes of Creative Cultural Production," to a joint assembly of literary and cultural scholars working at the University of Barcelona and the Autonomous University of Barcelona, Spain.

Professional Activity

- Participated in a panel discussion devoted to the questions — What should histories and theories of intellectual property be doing? What role should interdisciplinary play? — at the 7th annual workshop, July 22-24, of the International Society for the History and Theory of Intellectual Property (ISHTIP). The workshop was hosted by the University of Pennsylvania School of Law. Also participating on the panel were Lionel Bently (Cambridge U), Kathy Bowrey (U New South Wales) and Adrian Johns (U Chicago).

Publications

- "The 'romantic' author," in *Research Handbook on the History of Copyright Law*, ed. Isabella Alexander and H. Tomás Gómez-Arostegui. Cheltenham and Northampton: Edward Elgar, 2016, pp. 53-77.
- The volume also contains a chapter-long appreciation of her research in the history of copyright: Kathy Bowrey, "Law, aesthetics and copyright historiography: A critical reading of the genealogies of Martha Woodmansee and Mark Rose" (pp. 27-52).



SCHOOL OF LAW

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Spangenberg Center for Law, Technology & the Arts
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law.case.edu

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Case Western Reserve earns an A ... twice!

PreLaw Magazine's Winter 2016
issue awarded the law school an
**A for Intellectual Property Law
and Technology Law.**

Fewer than 15 schools in the
nation received the designation
for technology law, and **fewer
than 30** received an A for IP Law.

