



INTELLECTUAL PROPERTY

THE INNOVATIONS THAT PRODUCE economic growth and social progress first arise as ideas. The cost of bringing a new idea to market can be extraordinarily high, but the cost of copying that idea is often very cheap. Intellectual property law tries to balance society's interest in having incentives to create intellectual property with the need to distribute that property optimally for social benefit. The ability of digital technologies to copy and exploit the advantages of unique intellectual achievements presents new challenges for intellectual property law, making it one of the fastest-growing legal specialties in the United States.

PATENT AND LICENSING CLINICS Being a good intellectual property lawyer requires adaptability in a dynamic field and an understanding of the realities of producing intellectual works. Two patent and licensing clinics offer students hands-on experience with learning how and when to file patents and draft licensing agreements, as well as dealing with clients in the science and technology fields. The first clinic involves practical training in patent drafting as well as the negotiation and drafting of patent and software license agreements. Students are assigned to one or more significant drafting and counseling projects and work in the office of the University of Virginia Patent Foundation one day per week. Clinic participants may evaluate inventions and computer software for patentability and commercial value; counsel UVA faculty inventors regarding patentability, inventorship and the patenting process; prepare, file and prosecute provisional U.S. patent applications; and deal with patent examiners and



PROFESSOR MARGO BAGLEY is exploring the role of illegal, immoral and unethical invention creation activity in patent regimes in various countries. While most countries considering such issues are doing so in relation to the patentability of an invention, Bagley believes in some cases the patent enforceability context is preferable. "Patent examiners are ill-equipped to make moral or legal invention creation determinations," Bagley said. "Courts, on the other hand, using doctrines such as 'unclean hands,' can refuse to enforce a patent or can craft other types of equitable relief appropriate to the injury caused by the illegal or immoral invention creation activity."



research current issues in the fields of intellectual property and technology transfer. In a second clinic, the student may work exclusively with patent attorneys drafting, filing and prosecuting patent applications. Alternatively, the student may choose to work exclusively with licensing agents to draft license agreements, negotiate terms and conditions, and prepare confidentiality agreements and marketing documents. CONTINUED



Professors **CHRIS SPRIGMAN** [left] and **DOTAN OLIAR** recently examined the implications of joke-stealing among stand-up comics. "Copyright law protects original expression, but not ideas, and much alleged joke-stealing involves telling the same comedic idea in different words," Oliar and Sprigman wrote in the *Virginia Law Review*. Instead, comedians assert ownership of jokes through an informal system of social practices and institutions.

RECENT CLINIC PROJECTS INCLUDE:

- A **PATENT** application for a class of metals capable of recovering their original shape and thickness after impact or crushing
- **CONVERTING** a provisional patent application on technology designed by a pharmacology professor that may halt the spread of cancerous cells
- A **BRIEF** on pharmaceutical patents in developing countries
- A **PATENT** application for a battery-operated, handheld imaging device that promises to perform better than most ultrasound instruments
- **PRIOR ART SEARCH** and a draft patent application for a novel seatbelt-control system
- **PRIOR ART REVIEW**, market research and marketing for a neuro-stimulation technique for the treatment of epilepsy

COURSES AND SEMINARS

Advanced Issues in Intellectual Property Policy
Art Law
Bioethics and the Law
Communications Law
Copyright Law
Current Issues in Patent Law
Cybercrime

Economic Foundations of Intellectual Property
Emerging Growth Companies and Venture Capital Financing
Entertainment Law
International Patent Law and Policy
Patent Law
Patent Prosecution
Privacy and Surveillance
Property Theory

Survey of Patent, Copyright and Trademark
Trademark Law
Trademark and Unfair Competition Law
Trade Secrets: History, Theory and Practice

CLINICS

Patent and Licensing Clinic I
Patent and Licensing Clinic II

STUDENT ORGANIZATIONS

VIRGINIA JOURNAL OF LAW & TECHNOLOGY

Virginia Law's only e-journal, VJOLT provides a forum for students, professors and practitioners to discuss emerging issues at the intersection of law and technology. Recent issues have included articles on biotechnology, telecommunications, e-commerce, Internet privacy and encryption. VJOLT publishes full-text articles directly to the Web.

VIRGINIA SOCIETY OF LAW & TECHNOLOGY

VSLAT provides a forum for the discussion of issues relating to law and technology through speakers, panels and symposia. Recent events include a student discussion of career opportunities in the field of law and technology and a presentation by private patent practitioners. VSLAT works with the faculty and administration to strengthen the Law School's intellectual property curriculum and supports students pursuing careers in law and technology.

RELATED ORGANIZATIONS

THE VIRGINIA LAW AND BUSINESS SOCIETY explores the nexus between the worlds of law and business, featuring speakers on intellectual property topics.

THE JD/MBA SOCIETY

serves as a focal point for communication between J.D. and M.B.A. students and sponsors events and activities that promote interaction among the Law and Business School communities.

EVENTS

Recent events related to intellectual property include:

DISTRIBUTED CREATIVITY, with William Fisher of Harvard Law School's Berkman Center for Internet and Society

IN SEARCH OF JEFFERSON'S MOOSE: NOTES ON THE STATE OF CYBERSPACE, with author and Temple law professor David G. Post

PATENT UNCERTAINTY AND ITS ANTITRUST IMPLICATIONS, with Willard Tom, general counsel for the Federal Trade Commission

COPYRIGHT AT A CROSSROADS, a conference focusing on copyright in the digital age, sponsored by the Virginia Journal of Law and Technology

STOPLIGHTS AT THE IP/ANTITRUST INTERSECTION: THE FTC'S PATENT SETTLEMENT AND STANDARD-SETTING CASES, with Suzanne Michel, assistant director for policy and coordination at the Federal Trade Commission

WHO OWNS YOU? THE CORPORATE GOLD RUSH TO PATENT YOUR GENES, with Professor David Koepsell, Delft University of Technology

SECONDARY FAIR USE, with Professor Dotan Oliar

THE CONCEPT OF PROPERTY IN THE DIGITAL ERA: A DEFENSE OF PROPERTY RIGHTS IN THE ONLINE WORLD, with Rob Merges, director of the University of California-Berkeley Center for Law & Technology



AS A LAW STUDENT, BRADY COX '10 worked with Professor **CHRIS SPRIGMAN** on a range of projects, including examining trademark in a clown makeup registry, researching the history of the "law of nature doctrine" in patent law, and helping with an antitrust symposium featuring a number of well-known professors and practitioners.

"I've not only had the opportunity to learn a lot about IP, but have also developed a great relationship with a fantastic professor," Cox said. "He has helped me gain a greater understanding of a lot of the current issues in copyright and trademark today, especially in areas where intellectual property protection is very thin."



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