

CARDOZO LAW

BENJAMIN N. CARDOZO SCHOOL OF LAW • YESHIVA UNIVERSITY

2023 IP Scholars Conference Schedule

Wednesday, August 2

6:30 PM Intellectual Property Scholars Conference Reception
Linen Hall
101 3rd Avenue, New York, NY 10003

Thursday, August 3

7:45 AM–8:45 AM Check-in and Breakfast
Cardozo Law, 3rd Floor Atrium
55 Fifth Avenue, New York, NY 10003

8:45 AM–9:00 AM Welcome & Opening Remarks
Cardozo Law, 3rd Floor Atrium

9:00 AM–10:50 AM Opening Plenary Session

- Sonia Katyal, **A Trademark Theory of Rebranding**
- Matthew Sag, **Copyright Safety for Generative AI**
- Christopher S. Yoo, **Common Carriage and Social Media**
- Alex Roberts, **Multi-Level Lies**
- Nicholson Price, **Empirical Studies of Medical AI Patents** (w/ Mateo Aboy & Seth Raker)

10:50 AM–11:10 AM Break

11:10 AM–1:00 PM

Breakout Session #1

Conceptualizing IP Room 204	Historical Perspectives Room 205	IP & AI 1 Room 206	Patent Doctrine 1 Room 211	Trademark & Publicity Room 303	Current Issues in China Room 102
Victoria Schwartz, Copyright's Shadow	Chris Beauchamp, American Patent Law's American Framing	Oren Bracha, On the Shoulders of Giants: User-Side Machine Creativity and the Future of Copyright	John Golden, Nonobviousness and Analogous Art	Mark Bartholomew, A Right to Be Left Dead	Margo A. Bagley, Innovator Ecosystem Diversity as a Global Competitiveness Imperative
Lucas Osborn, Christianity & IP	Laura Dolbow, Reserved Patent Powers	Uri Hacoen (w/ Niva Elkin-Koren), Quantifying Copyright Scope in the Age of Expressive Machines	Tim Holbrook (w/ Mark Janis), Relative versus Absolute Invalidity	Elizabeth Townsend Gard (w/ Sidne K. Gard), Knowledge is Power: Conveying Trademark Application Information to Pro Se Applicants	Taorui Guan, Cooperative Federalism and Patent Legislation: A Study Comparing China and the United States
Jeremy Sheff, Responsibility in Knowledge Governance	John F. Duffy, Ending the Patent Claiming Game: The Constitution of a Patent	Mark Lemley, How Generative AI Turns Copyright Upside Down	Christopher J. Morten, The Second Patent Bargain	Dustin Marlan, Demystifying "Tertium Quid" Trade Dress	Justin Koo, Exporting Fair Use to Developing Copyright Systems
David Simon (w/ Patrick Goold), IP's Pluralism Puzzle	Peter Yu, TRIPS and Its Futures	Nina Srejovic, The Semiotics of Copyright at the Computer-Human Interface	Amy Motomura, Reconsidering the Meaning of Inventorship	Lorelei Ritchie, is this generic :(?	Jyh-An Lee, The Non- market Approach to Intellectual Property in the Case of China
Deborah Gerhardt, Trade Dress Edges	Andrew Ventimiglia, "A Name Which to Them is Sacred": Quakers and Religious Trademarks in American Enterprise	John Villasenor, Ten Thousand AI Systems Typing on Keyboards: Generative AI in Patent Applications and Preemptive Prior Art	David Olson, What's the Use of the Patent Utility Requirement?	Matthew Sipe, Trademarks	

1:00 PM–2:00 PM

Lunch

Cardozo Law, 3rd Floor Atrium

2:00 PM–3:50 PM

Breakout Session #2

Innovation Policy 1 Room 204	IP Enforcement 1 Room 205	Data and its Discontents Room 206	Patent Empirics Room 211	Fair Use Room 303	Defining Communities Room 424
Paul Rogerson, Cycles in Patent Law and the Supply of Ideas	Cynthia Ho, Trade Secret Bullying	Janet Freilich (w/ Nicholson Price), Government Data as AI Infrastructure and Regulation	Shawn Miller, Where's the Innovation Part II: A New Analysis of Anticipated and Obvious Patents	Michael Carroll (w/ Peter Jaszi), Fair Use After Google and Warhol	Madiha Zahrah Choksi (w/ James Grimmelmann), How Licences Learn
Ana Santos Rutschman, Reconsidering Patent Pledges: Implications of the Moderna COVID-19 Vaccine Pledge for IP Law & Policy	Andrew Michaels, Likelihood of Confusion in Trademarked NFTs	Niva Elkin-Koren (w/ Maayan Perel & Aline Iramina), Opening Platform Data for Research	Richard Gruner, Explaining Divergences in Examiner and Applicant Patent Citations	William Henslee, The Transformation of Transformativeness: The Implications of Fair Use on AI	Aman Gebru, Communal Authorship
Liza Vertinsky, U.S. Patent Policy Responses to the Challenges of AI-Driven Innovation	Sepehr Shahshahani (w/ Maggie Wittlin), The Missing Element in Trademark Infringement	Phoebe Li, Data Governance, Intellectual Property, and International Trade	Jonathan Ashtor, Patent Limitations	Chris Newman, Fair Use: Against Weighing	César Ramírez-Montes, The Case for Re-Casting Trade Mark Defences as User Rights
Lucy Xiaolu Wang (w/ Nathan W. Chan), Is Grass Greener in the Gray Zone? Legalization and Innovation in the Cannabis Market	Timothy Hsieh, A Comprehensive Proposal for a Unified Federal Patent District Court	Elizabeth Rowe, Owning Data	Parth Sagdeo, Measuring the Work of the Federal District Courts	David Opderbeck, Copyright in AI Training Data: Humanizing Fair Use	Guy Rub, Reimagining eLending
		Jacob S. Sherkow, The Myth of Genomic Trade Secrecy	Neel Sukhatme (w/ Andrew Toole & Alex Giczy), Unpacking Provisional Patent Applications	Betsy Rosenblatt, Considering the Role of Fairness in Copyright Fair Use	Andrea Wallace (w/ Mathilde Pavis), Intellectual Property Restitution

3:50 PM–4:10 PM

Break

4:10 PM–6:00 PM

Breakout Session #3

Distributive Effects 1 Room 204	Procedural Issues in IP Room 205	IP & AI 2 Room 206	Patent Doctrine 2 Room 211	Art & Music Room 303	Trade Secrets Room 424
Bita Amani, Some More Equal Than Others: Critical Contexts for the (False) Promises of Intellectual Property Rights	Jeremy Bock, Percolation Substitutes in Patent Law	James Grimmelmann (w/ Katherine Lee), Talkin' 'Bout AI Generation: Copyright and the Generative AI Supply Chain	Lisa Ouellette (w/ Jonathan Masur), Disclosure Puzzles in Patent Law	Xiyin Tang, Art after Warhol	T.J. Chiang, Excessive Precautions and Trade Secret Law
Carys Craig, Enclosure 3.0: IP in the Metaverse	Nikola Datzov (w/ Jason Rantanen), Predictable Unpredictability	Guido Noto La Diega (w/ Gabriele Cifrodelli & Artha Dermawan), Sustainable Patent Governance of AI	Jerome H. Reichman (w/ Ana Santos Rutschman), Codified Liability Rule to Stimulate Investment in Subpatentable Innovation	Alfred Yen, A Federal Rules of Evidence Perspective on Forensic Musicology and Music Copyright Infringement	Camilla Hrdy (w/ Christopher Seaman), Beyond Trade Secrecy: Confidentiality Agreements That Act Like Noncompetes
Amanda Levendowski, Open Source Perfume	Charles Duan, Too Much Patent Law	Amy Semet, An Empirical Study of Artificial Intelligence Patents	Josh Sarnoff, Patents and Revisiting Linguistic Theory After Amgen	Lisa Macklem, When Corporate Dollars Rule, Art Suffers	Charles Tait Graves, Intentionality in Trade Secret Law
Zahr K. Said, A Critical Genealogy of the Scenes a Faire Doctrine	Tyler Ochoa, Damages and the Discovery Rule Under the Copyright Statute of Limitations	Benjamin Sobel, Elements of Style: A Grand Bargain for Generative AI	Jay Thomas, The Scope of the Prior Art	Emma Perot, Music Copyright Ownership: Factors Behind the Surge in Writer Credit and Rights Clearance	Joseph Fishman (w/ Deepa Varadarajan), Earning Trade Secrets
	Aaron Perzanowski (w/ Dave Fagundes), Ending IP		Dan Traficonte (w/ Ben Armstrong), People Having Ordinary Skills in the Arts	Chien-Chih (Jesse) Lu, Determining Music Copyright Infringement in the Taiwan Context	Tim Murphy, Trade Secret Protection for Routine Business Information

6:30 PM

Intellectual Property Scholars Conference Dinner
Cardozo Law, Main Lobby

Friday, August 4

8:00 AM–9:00 AM Check-in and Breakfast

9:00 AM–10:50 AM Breakout Session #4

Innovation Policy 2 Room 204	IP as Industrial Policy Room 205	Law & Technology Room 206	Patents & Pharma Room 211	Copyright Policy Room 303
Christopher Buccafusco (w/ Joseph Blocher), Firearms, Innovation, and Regulation	Jacob Noti-Victor (w/ Xiyin Tang), Antitrust Regulation of Copyright Markets	Brett Frischmann (w/ Sarah Michele Rajtmajer), Pedagogical Friction-in-Design	Michael Carrier (w/ S. Sean Tu), Why Pharmaceutical Patent Thickets Are Unique	Lital Helman (w/ Ofer Tur-Sinai), Bracing Scarcity: Can NFT Save Digital Art?
Mark Schultz, Video on Demand: New Frontiers in Regulation of Cultural Policy, Industrial Policy & Copyright	Ana G. Alba Betancourt, The Evolving Legal Landscape of Domain Names: Insights from USMECA	Will Hubbard (w/ Colin Starger), An Empirical Assessment of the Legal Roadblocks to Automated Vehicles	S. Sean Tu, The Long CON: An Empirical Analysis of Pharmaceutical Patent Thickets	Barbara Lauriat (w/ Robert Brauneis), Cancelling Copyrights
Rachel Landy, The Innovation Void in Downstream Content Markets	John John Uket (w/ Monilola Udoh, Anpe Michael Fut & Emem Omokaro), Improving Access to the Technological Needs of the Elderly in Nigeria	Hofit Wasserman Rozen (w/ Niva Elkin-Koren & Ran Gilad-Bachrach), AI Explainability Reconsidered: Deconstructing Explanations in Law	Arti K. Rai (w/ Nicholson Price & Rachel Sachs), Cryptic Patent Reform Through the Inflation Reduction Act	Claudy Op den Kamp, The Shadow Land: Serial Photography and the Legal Invention of Motion Pictures
Blake Reid, Copyright's Periphery	Sharon K. Sandeen, Economic Growth Requires Idea Generators	Christa Laser, Legal Issues in Blockchain, Cryptocurrency, and NFTs	Michael Sinha, Patent Reforms to Address Pharmaceutical Product Hopping	Shyam Balganes, Learned Hand and the Misappropriation Doctrine
Sam Weinstein (w/ Christopher Buccafusco), Antisocial Innovation			Emily Michiko Morris, Pharma Thickets	Seán O'Connor, Copyright as a Matter of Style

10:50 AM–11:10 AM Break

11:10 AM–1:00 PM

Breakout Session #5

Distributive Effects 2 Room 204	IP Enforcement 2 Room 205	Platforms & Interfaces Room 206	Standard-Setting Room 211	Copyright's Polit. Econ. Room 303
Colleen Chien (w/ Lisa Ouellette), Improving Equity in Patent Inventorship Through Increased Attention and Attribution	Jeanne Fromer (w/ Mark McKenna), Amazon's Quiet Overhaul of the Trademark System	Xuan-Thao Nguyen, Silicon Valley Bank's Demise: The End of IP Financing?	Enrico Bonadio, Standards Essential Patents and the EU Unified Patent Court	Justin Hughes (w/ Michael Smith), Do Copyright Professors Pay Attention to Economists?
David Schwartz (w/ Chris Cotropia), Dissecting Gender Influence: An Empirical Study of Prior Art Citations in Patent Prosecution	Christina Mulligan, Data Property & Digital Sales	David Stein, Rethinking IP Incentives Following a Process Shock: Lessons from Online Consumer Services	Jorge Contreras (w/ Hans Magnus Joachim Buggenhagen), Standards Essential Utility Models	Glynn Lunney, Transforming Copyright
Paul R. Gugliuzza (w/ Jordi Goodman & Rachel Rebouché), Race and Gender in Patent Appeals	Saurabh Vishnubhakat (w/ Sarah L. Burstein), Secret Design Litigation	Haochen Sun, The Right to Know Algorithms	Christian Helmers (w/ Brian J. Love), Do Non-Practicing Entities Act Opportunistically? Evidence from Litigation of SEPs	Viva Moffat, Copyright & the University: Toward a Progressive Approach to Faculty Creative Work
Sarah R. Wasserman Rajec (w/ Andrew Gilden), Between Patents and Punishment	Ben Depoorter, Copyright Small Claims Litigation: An Empirical Analysis	Felix Wu, The Structure of Secondary Copyright Liability	Runhua Wang, Is Ex-Post Patent Holdup Real in Standard Settings? Evidence from SEP Declarations and Involvement in 3GPP Standard Development	Mary Catherine Amerine, Protecting Public Interests in Public Art
Jordi Goodman, Uncultured PHOSITA	Kristelia García, Imperfect Enforcement		Joy Xiang, Standardization in China	Zvi S. Rosen, Who Framed Mickey Mouse

1:00 PM–2:00 PM

Lunch

Cardozo Law, Main Lobby

2:00 PM–2:10 PM

Remembrance of Dmitry Karshtedt

Cardozo Law, Jacob Burns Moot Court Room

2:10 PM–4:00 PM

Closing Plenary Session

Cardozo Law, Jacob Burns Moot Court Room

**An Author/Reader Conversation about AGAINST PROGRESS: INTELLECTUAL PROPERTY AND
FUNDAMENTAL VALUES IN THE INTERNET AGE (2022)**

- Rebecca S. Curtin
- Robert Brauneis
- Deepa Varadarajan
- Michael Burstein
- Jessica Silbey

4:00 PM

Closing Remarks