Interdisciplinary Conference on the Impact of Technological Change on the Creation, Dissemination, and Protection of Intellectual Property
Conference Faculty

Sheldon W. Halpern, Harold R. Tyler Chair in Law & Technology, Albany Law School
Conference Director

Jonathan Band, Jonathan Band, PLLC, Washington, DC
Paula Baron, Prof., Victoria University, Wellington, New Zealand
Ann Bartow, Prof., University of South Carolina School of Law
Jon Baumgarten, Partner, Proskauer, Rose, Washington, DC
Andrew Bridges, Partner, Winston & Strawn, San Francisco
Michael Carroll, Prof., Villanova University School of Law
Kenneth Crews, Samuel Rosen Prof. of Law, Indiana Univ. School of Law-Indianapolis
Katrin Cutbush-Sabine, Prof., Faculty of Law, University of Technology, Sydney, Australia
Randall Davis, Prof., Massachusetts Institute of Technology
Laura Gasaway, Associate Dean for Academic Affairs & Professor of Law, School of Law, University of North Carolina
James Gathii, Gov. George E. Pataki Professor of International Commercial Law, Albany Law School
Andres Guadamuz, AHRC Research Centre for Intellectual Property and Technology Law, Edinburgh
Alice Haemmerli, Columbia University
Peter Halewood, Prof., Albany Law School
Robert Hamilton, Of Counsel, Jones Day, Columbus
Amalyah Keshet, Head, Image Resources & Copyright Management, Israel Museum, Jerusalem
Mark Kornbluh, Director, MATRIX, Michigan State University
Roberta Rosenthal Kwall, P. Niro Prof. of Intellectual Property Law and Dir. Emeritus, DePaul College of Law Center for Intellectual Property and Information Technology
David Lange, Prof., Duke University School of Law
Marshall Leaffer, Distinguished Scholar, Intellectual Property Law, Indiana U. School of Law-Bloomington
Paul A. Leonard, Director, Intellectual Property Institute, London
Silke von Lewinski, Doctor at Law, Max Planck Institute for Intellectual Property, Munich; Adjunct Prof., Franklin Pierce Law Center
Doris Estelle Long, Prof., John Marshall Law School
Samuel Murumba, Prof., Brooklyn Law School
Miriam M. Nisbet, Legislative Counsel, American Library Association
Ruth Gana Okediji, William Prosser Prof. of Law, University of Minnesota Law School
Hon, Marybeth Peters, Register of Copyrights of the United States
Gloria C. Phares, Partner, Patterson, Belknap, Webb, & Tyler, New York
Jerome H. Reichman, Bunyon S. Womble Prof., Duke University School of Law
Dorit Samuel, Consultant, Visiting Professor, Albany Law School and Rutgers-Camden School of Law
David Shipley, Thomas R.R. Cobb Professor, University of Georgia Law School
Bernard R. Sorkin, Senior Counsel, Time Warner, Inc,
Beverly Wolf, International Foundation for Art Research; former general counsel, Museum of Modern Art, New York
Martha Woodmansee, Prof., Case Western
Alfred C. Yen, Prof. & Director, Emerging Enterprises & Business Law, Boston College Law School
Diane Leenheer Zimmerman, Samuel Tilden Professor, New York University School of Law
The Conference Program

Thursday, October 26, 2006
11:30-1:00: Registration
1:00-5:00:

The Normative Role of Copyright Law: Rethinking the Purpose of Copyright Law in Light of Technological Change
Digital technology and the internet have raised the problem of dissonance between the laws protecting intellectual property and behavior, much of which is directed toward circumventing those laws. It is appropriate to consider, or to reconsider the fundamental basis for protection and the way in which that dissonance may be ameliorated. Such an inquiry involves examination of the societal, artistic, cultural, and economic factors involved in the creation, dissemination, and exploitation of intellectual property as well as the emerging paradigm of access limitation as an alternative protective device.

1. Presentations:
   - Samuel Murumba (*Copyright’s Other Worlds: The Challenge of Virtual Reality*)
   - Ann Bartow (*Copyright Norms of the Blogosphere*)

Moderator: Sheldon W. Halpern
Comment and Discussion: Jonathan Band, Paula Baron, Randall Davis, Amalyah Keshet, Bernard Sorkin, Diane Lenheer Zimmerman

2. Presentations:
   - David Lange (*No Law: Copyright in the Image of an Absolute First Amendment*)
   - Martha Woodmansee (*Publishers, Privateers, Pirates: Eighteenth-Century German Book Piracy Revisited*)

Moderator: Paul Leonard
Comment and Discussion: Andrew Bridges, Michael Carroll, Katrin Cutbush-Sabine, Laura Gasaway, Alice Haemmerli, Marybeth Peters, Alfred C. Yen

5:15-7:30: Reception, at the Algonquin Hotel, for all Conference registrants

Friday, October 27, 2006
8:00-9:00 am: Registration, Continental Breakfast
9:00-12:00:

Globalization and Harmonization
With so much intellectual property activity crossing or ignoring traditional national borders, what mechanisms are available or need to be devised to deal with problems of personal jurisdiction? More broadly, we will explore the use of various alternative dispute resolution techniques and processes in dealing with transnational and international intellectual property disputes. Concomitantly, consideration must be given to how judgments in the international contexts will be meaningfully enforced.

1. Presentation:
   - Doris Estelle Long (*Dissonant Harmonization: Limitations on Cash ’n Carry Creativity*)

Moderator: James Gathii
Comment and Discussion: Peter Halewood, Alice Haemmerli, Paul Leonard, Silke von Lewinski, Miriam Nisbet, Ruth Okediji,
2. Presentation:
Katrin Cutbush-Sabine (*Are Business Method and Software Patents Leading to Tyrannicide Briefs in Defense of Global Intellectual Monopoly?*)
Moderator: Marshall Allin Leaffer
Comment and Discussion: Andres Guadamuz, Robert Hamilton, Roberta Rosenthal Kwall, Jerome H. Reichman, Alfred C. Yen,

12:15–1:45: Luncheon at The Cornell Club for all Conference registrants; talk by Dr. Dorit Samuel on Financial Models for Valuation of Intellectual Property.

2:00–5:30:

**Beyond Berne: Toward Formulation of General Principles of Protection and Permissible Use**
As the impetus of technological change creates an intellectual property world in which national borders are increasingly insignificant, the time may be at hand for the formulation of specific and enforceable general principles of substantive law with respect both to the scope of protection of intellectual property and the nature of permissible uses. Such inquiry raises issues such as whether, on the one hand, the United States system of exemption, with its broad and controversial doctrine of fair use, can provide a universal model of permissible use and, on the other, whether such a “safety valve” must generally be abandoned in favor of more detailed, specific and generally accepted statutory exemptions. Similarly, we need to consider alternative devices, such as expanded compulsory licenses, with the related problems of valuation of intellectual property.

1. Presentations:
   Paula Baron (*The Moebius Strip: Privilege, Right and Fair Use in Copyright Law*)
   Michael Carroll (*Fixing Fair Use*)
Moderator: Robert Hamilton
Discussion and Commentary: Kenneth Crews, David Lange, Gloria Phares, Amalyah Keshet, Beverly Wolff

2. Presentations:
   David E. Shipley (*Limitations on Congressional Power after Eldred*)
   Andres Guadamuz (*Scale-Free Law: Network Science and Copyright*)
   Laura Gasaway (*The Section 108 Study Group Recommendations*)
Moderator: Doris Estelle Long
Discussion and Commentary: Ann Bartow, Jonathan Band, Jon Baumgarten, Mark Kornbluh, Samuel Murumba, Miriam Nisbet

5:45–7:30: Reception at the offices of Patterson, Belknap, Webb & Tyler

Saturday, October 28, 2006
8:00–9:00 am: Registration, Continental Breakfast
9:00–11:00:

**Moral Right, Right of Publicity, and Performers’ Rights**
This session will consider the array of “neighbouring rights” affected by changes in digital technology.
Presentations:
Implementing Change
The session will be devoted to finding and articulating consensus and to developing an action plan to have meaningful implementation of proposed change. The focus will be on how to continue and to build on the interdisciplinary dialogue fostered by the Conference.
Presentation:
Diane Leenheer Zimmerman (*Living Without Copyright in a Digital World*)
Moderator: Gloria Phares
Commentary and Discussion: Jon Baumgarten, Mark Kornbluh, Paul Leonard, Ruth Okediji, Marybeth Peters, Jerome Reichman