

INTELLECTUAL PROPERTY LAW SECTION

Lee N. Kump, chair

In 2003–2004, the Intellectual Property Law Section organized and delivered five successful continuing legal education seminars—including the Fall CLE at Wintergreen, which had the highest attendance in recent memory—and established an IP writing competition for Virginia law students.

The section's year began with the Virginia State Bar Annual Meeting in Virginia Beach. On June 19, 2003, the section presented a CLE entitled "Fighting for Your Rights: Exploring the IP Battleground of the Twenty-First Century." Panelists Ken Chernof of Heller Ehrman White & McAuliffe; Assistant U.S. Attorney Jack Hanley, supervisor of the cybercrime unit in Alexandria; and Mathew Bye of the Federal Trade Commission's Office of General Counsel, Policy Studies, discussed civil, criminal and administrative aspects of enforcing intellectual property rights. Section board members Kristan Burch and Mike Huppe organized the well-received program.

Wintergreen was the locale on September 12–13, 2003, for the section's sixteenth annual Fall CLE, entitled "Understanding the Ground Rules: Changes and Developments in Intellectual Property Practice and Procedure." Board members Janet Peyton and Kristan Burch recruited a distinguished group of speakers for the program, including U.S. District Judge Robert Payne of the Eastern District of Virginia; Lynne Beresford, deputy commissioner for policy and projects of the U.S. Patent and Trademark Office; Stephen Kunin, deputy commissioner for patent examining policy of the PTO; Albert Tramosch of Burns Doane Swecker & Mathis and former director of the industrial property law division of the World Intellectual Property Organization; and Barbara Balogh, assistant ethics counsel for the Virginia State Bar. Former section chair Steve Noona stole the show with his props and antics during a presentation entitled "Trademark Seizures: Shock and Awe!" Additionally, Steven Marks of the Recording Industry Association of America provided an informative overview of music law, and Steven Lipman of Oblon, Spivak, McClelland, Maier & Neustadt spoke on the latest cases construing the "public use" and "on sale" provisions of Section 102 of the Patent Act. Our distinguished speakers no doubt contributed to one of the best-attended Fall CLEs ever, with more than sixty registered attendees.

On October 14, 2003, the section co-sponsored a CLE with the Bar Association of the District of Columbia's Patent, Trademark and Copyright Section. The seminar, "The Madrid Protocol and European Trademarks: Strategic Advice for U.S. Trademark Owners in a Changing Landscape," provided a timely and strategic discussion of trends in European trademark practice. Speakers included Sheldon H. Klein, partner of the intellectual property group at Arent Fox in Washington; Vincent O'Reilly, director of administration of the trademarks and designs department of the Office for Harmonization in the Internal Market in Alicante, Spain; and John Olsen, head of the trademark and brand protection group at Field Fisher Waterhouse in London. The section remains on the lookout for additional opportunities to partner with other bar associations.

Board member David Hill organized the section's Spring CLE, held March 26, 2004, at George Mason University Law School in Arlington. The CLE focused on the PTO rules changes that take effect in 2004. Jim Hammond of Finnegan, Henderson, Farabow, Garrett & Dunner presented a session entitled "The USPTO Proposed Rules and You: Changes to Representation of Others before the United States Patent and Trademark Office." In addition, David Ross Rosenfeld of Rosenfeld & Associates in Alexandria provided "A Comparison of the Proposed PTO Rules and Virginia's Current Ethics Rules and an Overview of the PTO Disciplinary Process."

Kristan Burch and Susan Dadio took the lead organizing the section's events for the VSB Annual Meeting in Virginia Beach in June 2004. The section held its business meeting during its dinner at the Isle of Capri Restaurant, and John Farmer was elected chair; Chris Mugel, chair-elect; Cynthia Lynch, vice-chair; and Janet Peyton, secretary. During the Section's CLE program on June 18, James A. Powers of Data Rights and Privacy Advisors and Lawrence R. Robins of Finnegan, Henderson talked about creating security interests in intellectual property.

During 2003–2004, the section also established an IP writing competition with a cash prize of \$4,000. The competition is open to students in Virginia law schools and Virginia residents attending law school elsewhere. The section will published the winning article and other distinguished submissions. Further information is available on the section's Web site at www.vsb.org/sections/ip/.

The section's seventeenth annual Fall CLE is scheduled for October 22–23, 2004, at the Wintergreen Resort.

