

16th Annual Intellectual Property Scholars Conference
Stanford Law School
(August 10 – 12, 2016)

Presentation Schedule

Thursday, August 11

8:55 am

Opening Plenary Session

Paul Brest Hall

Scarcity of Attention in a World without IP

Jake Linford

What's In vs. What's Out: How IP's Boundary Rules Shape Innovation

Mark McKenna & Christopher Sprigman

Patent Clutter

Janet Freilich

What We Buy When We "Buy Now"

Aaron Perzanowski & Chris Hoofnagle

10:50 am

Breakout Session I

1:45 pm

Breakout Session II

4:10 pm

Breakout Session III

Friday, August 12

8:45 am

Breakout Session IV

11:05 am

Breakout Session V

2:00 pm

Closing Plenary Session

Paul Brest Hall

The Nature of Sequential Innovation

Christopher Sprigman, Christopher Buccafusco & Stefan Bechtold

Copyright and Distributive Justice

Justin Hughes & Robert Merges

IP, Privacy Harms and other Fundamental Values

Jessica Silbey

What's the Harm of Trademark Infringement?

Rebecca Tushnet

Breakout Session I

Room 180	Room 280A	Room 185	Room 280B	Room 190	Room 290
Big Data, Contracts, & Futurelaw	Copyright: Music & Remixes	International IP Institutions	IP for Characters & Symbols	Patent Damages	Patent Disclosure & Signaling
<i>I Think, Therefore I Invent: Creative Computers and the Future of Patent Law</i> Ryan Abbott	<i>Assessing France's Graduated Response Scheme Against Piracy & State Interventionism in the Marketplace for Copyrighted Content</i> Nicholas Jondet	<i>Domestic Innovation & Internat'l Collaboration for Addressing Climate Change</i> Joy Xiang	<i>Is Copyright an Author's Right? An Authorship Perspective on Copyright Law</i> Mira Sundara Rajan	<i>Remaining Differences in Patent Damages Calculation in Japan and the US</i> Christoph Rademacher	<i>Possession and Patent Prior Art</i> Tim Holbrook
<i>Blockchains: Next Wave of Decentralization or the Rise of the Metered Internet</i> Aaron Wright	<i>Copyrightability of Digital Remixes and the Right of Remixers</i> Yahong Li	<i>Will WIPO Visually Impaired Treaty Help to End "Book Famine" for Visually Impaired People?</i> Rami Olwan	<i>Works of Fiction: The Misconception of Literary Characters as Copyright Works</i> Jani McCutcheon	<i>(Un)Reasonable Royalties</i> Michael Risch	<i>Behavioral Claim Construction</i> Jeremy Bock
<i>The Undercover Detective Looks at Data Breach Contract Clauses</i> Jill Bronfman	<i>The New Problem with Music</i> Peter DiCola	<i>Competition and Coordination in Shared Regulatory Space: WHO, WTO, & Access to Medicines Policies</i> Laura Pedraza-Farina	<i>Zombie Cinderella and the Undead Public Domain</i> Rebecca Curtin	<i>Innovation Factors for Reasonable Royalties</i> Ted Sichelman	<i>The Predictive Power of Patents</i> Sabrina Safrin
<i>Algorithmic Contracts</i> Lauren Henry Scholz	<i>Who Killed the Radio Star? How Music Blanket Licenses Distort the Production of Creative Content</i> Ariel Katz & Eden Sarid	<i>Intellectual Property Dispute Resolution Through Arbitration and Mediation</i> Vandana Singh	<i>Trademarks and Cultural Leadership</i> Deborah Gerhardt	<i>The Information Forcing Dilemma in Patent Damages</i> T.J. Chiang	<i>Patent Silences</i> Dan Burk
<i>The Racist Algorithm?</i> Anupam Chander	<i>How Law Defines Music</i> Joseph Fishman	<i>Regime Shifting of IP Law-Making and Enforcement to Intl Investment Law</i> Cynthia Ho & James Gathii	<i>Intellectual Property in Internet Folklore</i> Cathay Smith	<i>Rational Willfulness: Toward a New Standard for Enhanced Damages in Patent Law</i> Dmitry Karshedt	<i>Who Reads Patents?</i> Lisa Larrimore Ouellette

Breakout Session II

Room 190	Room 185	Room 280B	Room 290	Room 180	Room 280A
Copyright Doctrine	Geography of Innovation	IP & Cognitive Psychology	PTO & Patent Data	Trademarks, Advertising & Consumers	Trade Secrets
<i>Copyright State of Mind</i> Edward Lee	<i>IPR issues Related to U.S. Raising Protection to Firms in India</i> M. Afzal Wani	<i>Non-Assertion Entities</i> Clark Asay	<i>Procrastination in the Workplace: Evidence from U.S. Patent Examiners</i> Michael Frakes & Melissa Wasserman	<i>Relying on Reputation</i> Jim Gibson	<i>Top Secret(s)</i> Derek Bambauer & Simone Sepe
<i>Reforming Infringement</i> Abraham Bell & Gideon Parchomovsky	<i>Governmentality and Innovation: The Role of Intellectual Property Foundation Law in Korea and Japan</i> Hee Kyoung Spiritas Cho	<i>Uncertainty Aversion and Intellectual Property</i> Betsy Rosenblatt	<i>Scribe or Co-Inventor?: The Role of Patent Attorneys in the Inventive Process</i> William Gallagher	<i>Going Native: Can Consumers Recognize Native Advertising? Do They Care?</i> David Hyman & David Franklyn	<i>Trade Secret Precautions, Possession and Notice</i> Deepa Varadarajan
<i>Authorship and Audience Appeal</i> Tim McFarlin	<i>The Golden West: Influential Innovation Made in San Francisco as Seen in Patent Records</i> Richard Gruner	<i>Risky IP</i> Andres Sawicki	<i>Measuring the Mayo Effect</i> Bernard Chao	<i>Naming and (Re)Claiming</i> Laura Heymann	<i>Unpacking Trade Secret Damages</i> Elizabeth Rowe
<i>Free as the Heir?: Copyright Successors as Stewards</i> Eva Subotnik	<i>A Spatial Critique of Intellectual Property Law and Policy</i> Peter K. Yu	<i>Improving the Patent Application Process for Clearer Claim Scope</i> Stephanie Plamondon Bair	<i>CBA at the PTO</i> Jonathan Masur	<i>Why Does Trademark Law Protect the Strong More Than the Weak?</i> Barton Beebe & Scott Hemphill	<i>Toward a Federal Jurisprudence of Trade Secret Law</i> Sharon Sandeen & Christopher Seaman
<i>Leveraging Death: IP Estates and Shared Mourning</i> Andrew Gilden	<i>Patent Tigers: The New Geography of Global Innovation</i> Jonathan Barnett	<i>What Causes Polarization on IP Policy?</i> Maggie Wittlin, Lisa Ouellette & Greg Mandel	<i>The Surprising Resilience of the Patent System</i> Mark Lemley	<i>Branded</i> Irina Manta	<i>The Defend Trade Secrets Act Isn't An "Intellectual Property" Law</i> Eric Goldman

Breakout Session III

Room 185	Room 190	Room 280A	Room 290	Room 180	Room 280B
Cross-Border Infringement & Exhaustion	Cyberlaw & Intermediary Liability	IP, the Constitution & the Courts	IP & Privacy	Patent Pools & Standards	Universities, Grants & IP
<i>The Rise of Constitutional Balancing in European Copyright Law</i> Cyrill Rigamonti	<i>Applicable Law in Copyright Violation in Cyberspace: Need for Clarity</i> Gurujit Singh	<i>Lexmark and the Holding Dicta Distinction</i> Andrew Michaels	<i>Exploring Privacy as Commons</i> Katherine Strandburg & Brett Frischmann	<i>Smartphone Industry and SEPs in India</i> Sunita Tripathy	<i>Student Patent Rights</i> Jessica Hudak & Lisa Ouellette
<i>The Principles Void Regarding the Exhaustion Theory within the Andean Community</i> Carlos Uribe & Juan Contreras	<i>Testing the Limits of the Section 230 IP Exemption</i> Cathy Gellis	<i>A Problem of Subject Matter: Patent Demand Letters and the Federal Circuit's Jurisdiction</i> Charles Duan & Kerry Sheehan	<i>Creativity and Notice On the Ground</i> Ari Waldman	<i>Decoding Evolving Nexus Between Standard-Essential Patents (SEPs) and Competition Law in India</i> Vinay Kumar Singh & Arundhati Nayudu	<i>Disclosing Data Enabled Research: Intellectual Property Policy for Publishers, Technology Transfer Offices, and Librarians</i> Victoria Stodden
<i>The Ghosts of Patent Exhaustion Past</i> Amelia Smith Rinehart	<i>DMCA+ Enforcement in the New gTLDs</i> Annemarie Bridy	<i>Established Rights, the Takings Clause, and Patent Law</i> Jason Rantanen	<i>Private, Public, Public Domain : How the Judicial Decisions Shaping the Perceptions of Facebook Users in Taiwan</i> Yachi Chiang	<i>Contesting FRAND royalties on SEPs (USA & EU)</i> Jeffery Atik	<i>A Market Test for Bayh-Dole Patents</i> Ian Ayres & Lisa Ouellette
<i>Patent Damages Without Borders</i> Sapna Kumar	<i>The World Intermediary Liability Map: Charting the Online Intermediary Liability Conundrum</i> Giancarlo Frosio	<i>A Free Speech Right to Trademark Protection?</i> Lisa Ramsey	<i>Confidentiality Creep and Dual Use Secrecy: The Professions in an Age of Information Capture</i> David Levine	<i>Measuring the Costs and Benefits of Patent Pools</i> Michael Mattioli & Robert Merges	<i>Cancer's IP</i> Jake Sherkow

Break Session IV

Room 280A	Room 190	Room 290	Room 280B	Room 180	
Commons	Empirical Copyright	Innovation & Non-Patent Incentives	IP Theory	Patents & Post-Grant Review	
<i>A Comparative Study of Open Data Licenses</i> Jyh-An Lee	<i>Copyright Misuse: A Taxonomy</i> Ann Bartow	<i>Innovation Policy Pluralism</i> Daniel Hemel & Lisa Ouellette	<i>More Property-Like than Property: The Prevalence of Property Rules in IP Remedial Schemes</i> B.J. Ard	<i>Early Adjudication of Patent Disputes</i> Paul Gugliuzza	
<i>The Romance of the Commons</i> Sean Pager	<i>Empirical Studies Of Copyright Litigation, A Review</i> Matthew Sag	<i>The Unpatentable Microbiome</i> Rachel Sachs	<i>Indiscrete Property</i> Michael Burstein	<i>The Non-Doctrine of Redundancy</i> Saurabh Vishnubhakat	
<i>3D Bioprinting Property Boundaries</i> Tabrez Ebrahim	<i>An Empirical Study of Copyright Statutory Damages</i> Ben Depoorter	<i>Recalibrating Incentives for Research and Development in the Pharmaceutical Industry</i> Yaniv Heled, Liza Vertinsky & Cass Brewer	<i>Why Authors Create? A Law and Economic Perspective</i> Jiarui Liu	<i>Pay for Go-Away: Reverse Payment Settlements and Holdup Under PTAB</i> Erik Hovenkamp & Jorge Lemus	
<i>Governing Medical Commons</i> Mike Madison, Brett Frischmann & Katherine Strandburg	<i>No Honor Among Thieves? Software Piracy Rates and Charismatic Appeal</i> Andrew Moshirnia	<i>Can CED Resolve the Catch-22 for Molecular Diagnostics?</i> Rebecca Eisenberg	<i>The Hidden Cost of Free Patents</i> Liza Vertinsky (or patent pools?)	<i>Integrating AIA into Hatch-Waxman: Inter Partes Review for ANDA Filers</i> Jennifer E. Sturiale	
<i>The North American Mitochondrial Disease Consortium: An Emerging Knowledge Commons</i> Brett Frischmann & Katherine Strandburg	<i>Undetected Conflict-Of-Laws Problems in Cross-Border Online Copyright Infringement Cases</i> Marketa Trimble	<i>Patent Failures on Life Science Frontiers</i> Nicholson Price & Timo Minssen	<i>Regulatory Property: The New IP</i> Robin Feldman	<i>IPR'ed Patents 1.0: Low Quality or High Value</i> Shawn Miller, Brian Love & Shawn Ambwani	

Breakout Session V

Room 185	Room 280A	Room 280B	Room 190	Room 180	Room 290
Comparative IP	Copyright & Government	Innovation & Global Health	IP Theory, Functionality & Design	Patent Assertion & Litigation	Patentable (& Copyrightable) Subject Matter
<p align="center"><i>Bridging the Gap between IP Rights & Indigenous Innovators & Inventors in Developing Countries</i></p> <p align="center">John John Uket</p>	<p align="center"><i>Public Sculpture and Moral Right</i></p> <p align="center">Deming Liu</p>	<p align="center"><i>Bio-piracy related to traditional medicine and pharmaceutical sector: A Legal Perspective</i></p> <p align="center">Zubair Ahmed Khan</p>	<p align="center"><i>Infringing Algorithms</i></p> <p align="center">Felix Wu</p>	<p align="center"><i>Opening Pandora's Box: Analyzing the Complexity of U.S. Patent Litigation</i></p> <p align="center">Jonathan Ashtor</p>	<p align="center"><i>Are Engineered Genetic Sequences Copyrightable?: The U.S. Copyright Office Addresses a Matter of First Impression</i></p> <p align="center">Chris Holman, Claes Gustafsson & Andrew Torrance</p>
<p align="center"><i>Convergence between Chinese Entertainment Law and Hollywood Practice</i></p> <p align="center">Seagull Song</p>	<p align="center"><i>Compelled Viewing: Copyright Exceptions for Public Art</i></p> <p align="center">Marta Iljadica</p>	<p align="center"><i>Korea's 1st Year Experience with Hatch-Waxman</i></p> <p align="center">Won Bok Lee</p>	<p align="center"><i>Functional Compilations</i></p> <p align="center">Pamela Samuelson</p>	<p align="center"><i>Calculators for Teaching Patent Valuation</i></p> <p align="center">Andrew Chin</p>	<p align="center"><i>Big Data and Patent Eligibility</i></p> <p align="center">Brenda Simon</p>
<p align="center"><i>The Best Practice for Patent Judiciary: Comparative Law Perspective</i></p> <p align="center">Toshiko Takenaka</p>	<p align="center"><i>Edicts of Government: Copyright in State Laws</i></p> <p align="center">D.R. Jones</p>	<p align="center"><i>Art. 53 (a) of the European Patent Convention: an Interaction of Two Traditions</i></p> <p align="center">Jurgita Randakeviciute</p>	<p align="center"><i>Screening Functionality in Intellectual Property Law</i></p> <p align="center">Christopher Buccafusco & Mark Lemley</p>	<p align="center"><i>Do Trolls Acquire and Assert Valuable Patents?</i></p> <p align="center">Andrew Torrance & Jevin West</p>	<p align="center"><i>Inventive Application, Legal Transplants, Pre-Funk, and Judicial Policymaking</i></p> <p align="center">Josh Sarnoff</p>
<p align="center"><i>What Explains Intellectual Property Use in Chile and Does it Make a Difference?</i></p> <p align="center">Christian Helmers, Bronwyn Hall & Carsten Fin</p>	<p align="center"><i>European and American models of the use of orphan works – finding the best solution</i></p> <p align="center">Joanna Banasiuk</p>	<p align="center"><i>Fast-tracking Biopharma Innovation: IP-related Lessons from the Ebola Outbreak Response</i></p> <p align="center">Ana Santos Rutschman</p>	<p align="center"><i>Claiming Design</i></p> <p align="center">Jeanne Fromer & Mark McKenna</p>	<p align="center"><i>Lessons Learned from Concept to Growth of the License On Transfer (LOT) Network</i></p> <p align="center">Eric Schulman</p>	<p align="center"><i>The Impact on Investment in Research and Development of the Supreme Court's Eligibility Decisions</i></p> <p align="center">David Taylor</p>
<p align="center"><i>The Patentability Requirements in the Venetian Republic Between the 15th and 18th Centuries</i></p>	<p align="center"><i>Copyright as Tortious Interference</i></p> <p align="center">Shyam Balganesesh</p>	<p align="center"><i>A Prescription for Excessive Drug Pricing: Leveraging Patent Use for Health</i></p>		<p align="center"><i>The Effect of Fee Shifting on IP Litigation: Evidence from a Court Reform in the UK</i></p>	<p align="center"><i>The Fallacy of Mayo's Double Invention Requirement for Patenting of Scientific Discoveries</i></p>

Stefania Fusco, Ted Sichelman & Toni Veneri		Amy Kapczynski		Brian Love, Christian Helmets, Yassine Lefouili & Luke McDonagh	Peter Menell & Jeffrey Lefstin
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