

Explore solutions for protecting intellectual property rights while avoiding business and licensing pitfalls.

- Review strategies for negotiating and drafting licenses for publishing, music, and film
- Evaluate reasonable royalties for licenses and remedies available in intellectual property litigation
- Focus on issues you need to keep in mind when drafting licenses (after *MedImmune*, *Sandisk*, and *Teva Pharmaceuticals*)
- Determine what you should know about Creative Commons, open source, and other alternative copyright licensing schemes
- Address U.S. export control issues in technology licensing

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FINAL NOTICE



The Innovator in Legal Education™

Explore the interface between intellectual property licensing and business considerations.

Co-sponsored by the WSBA Intellectual Property Section

LICENSING ESSENTIALS FOR BUSINESS AND TECHNOLOGY LAWYERS: The Annual Intellectual Property Licensing Seminar

Thursday, September 20, 2007

Washington State Convention and Trade Center

Room 3AB

On Pike Street, between Seventh and Eighth Avenues
Seattle, Washington



Intellectual Property: Intermediate

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LICENSING ESSENTIALS FOR BUSINESS AND TECHNOLOGY LAWYERS: The Annual Intellectual Property Licensing Seminar

7:30 a.m. Check-in • Walk-in Registration • Distribution of Coursebooks • Coffee and Pastry Service

8:25 a.m.

Welcome and Introduction by Program Chair

Kimton N. Eng — Dorsey & Whitney LLP, Seattle

8:30 a.m.

U.S. Export Control Issues in Technology Licensing

- Which U.S. export control laws and regulations may apply to an international technology license?
- If applicable, what are the legal duties of the U.S. licensor and the foreign licensee?
- Can export licenses be avoided through other avenues available under U.S. law?
- What are “deemed exports” and why should they concern the U.S. licensor?

Nelson G. Dong — Dorsey & Whitney LLP, Seattle

9:15 a.m.

Negotiating and Drafting Licenses for Publishing, Music, and Film

- Who are the parties? Statutory, contractual and common law rights owners in distinct elements of print media, music and film.
- What are the key business issues? Scope and limitations of various licenses. Fee calculations – method or madness?
- What are the key legal issues? Chain of title, union/guild ramifications, indemnifications, exclusivity, morals clauses, payment schedules and accounting, fair use and First Amendment defenses.
- What is boilerplate and what can be negotiated?
- Red-flag terms to watch out for, such as audit rights, future rights (options and first refusals), and cross-collateralization.

Robert C. Cumbow — Graham & Dunn P.C., Seattle

Lance S. Rosen — Rosen Lewis, PLLC, Seattle

11:45 a.m. Lunch on Your Own

1:15 p.m.

Creative Commons, Open Source, and Other Alternative Copyright Licensing Schemes

- What are the advantages and disadvantages of using a non-traditional copyright model?
- Are “open source” and “creative commons” licenses enforceable?
- The future of non-traditional copyright models

Kraig L. Marini Baker — Davis Wright Tremaine LLP, Seattle

2:00 p.m.

Licensing University Intellectual Property

IP due diligence in the university context:

- Ownership
- Employment agreements
- Third party rights
- Other obligations

Aline Flower — University of Washington TechTransfer, Seattle

10:00 a.m.

Break

10:15 a.m.

Calculating Reasonable Royalties for Licenses

- What remedies are available in IP litigation?
- What costs are involved in obtaining these remedies?
- How to use available remedies and associated costs to assist in calculating licensing royalties.

Brian G. Bodine — Merchant & Gould P.C., Seattle

11:00 a.m.

Drafting Licenses After MedImmune, Sandisk, and Teva Pharmaceuticals

- What do these recent USSC and CAFC cases teach licensing lawyers?
- How might a patentee/ licensor modify its license negotiation strategy in view of these recent “pro-licensee” decisions?
- How might a prospective licensee use these decisions in formulating an appropriate strategy regarding third-party patents?
- What level of discussion/ negotiation between a patentee/ licensor and a potential licensee might be pursued without giving rise to an Article III case or controversy under the Declaratory Judgment Act?
- Are there factual situations and/or license provisions that a patentee/ licensor might use to its advantage?

Kevin F. Kelly — Heller Ehrman LLP, Seattle

Debra K. Leith — Heller Ehrman LLP, Seattle

2:45 p.m.

Break

3:00 p.m.

Content Liability Issues in Licensing

- Under what circumstances is a website responsible for content it distributes?
- What issues should be addressed when licensing content?
- What is the scope of statutory provisions limiting content liability and copyright infringement claims?
- What are likely future trends in this area?

Corinna Ulrich — Perkins Coie LLP, Seattle

3:45 p.m.

Ethics Issues in Licensing

- Zealous advocacy and the attorney’s duty of candor in negotiations
- Out of state practice issues
- Direct negotiations with a represented counterparty

Eric A. Prager — Darby & Darby, P.C., Seattle and New York

4:30 p.m. Complete Evaluation Forms • Adjourn

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WSBA No. _____ Firm / Company Name _____

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