

## Franklin Pierce Center for Intellectual Property Events and Highlights

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### A Letter From The Director of the Franklin Pierce Center for Intellectual Property

#### IP CENTER CELEBRATES ANOTHER OUTSTANDING YEAR

My first academic year as Director of the Franklin Pierce Center for Intellectual Property and Professor of Law at the University of New Hampshire School of Law has really flown by. I've enjoyed getting to know my faculty colleagues and the amazing staff, and especially the students. I'm also learning about New Hampshire living! I learned how to snowshoe and to ice skate (sort of), and to enjoy the beautiful scenery through all four seasons.

I started teaching law in 1995, and I still truly love being a law professor. I'm interested in all areas of intellectual property, and subjects that are in the same approximate doctrinal neighborhood, such as Privacy Law, Trade Secret Law, and the legal framework for the Right of Publicity. My primary interest these days, however, is Copyright Law. I'm proud and happy that there are so many UNH Law students who are interested in Copyright Law and Trademark Law in addition to Patent Law! Patent Law is still the big dog on campus though, and that is not going to change anytime soon. Our students have a wonderfully broad and diverse menu of IP courses to choose from every semester.

The Franklin Pierce Center for Intellectual Property continues to carry the Franklin Pierce name forward. Programming this year included our annual scholarly IP Roundtable, speakers from the USPTO and from the legal academy, social events for JD and LLM students and a Patent Cooperation Treaty colloquium.

The [Arthur J. Gajarsa American Inn of Court](#) is going strong. The law school hosted an [IP focused Law Meet](#) in the fall semester and hopes to send teams to compete at Law Meets in years to come. Students continue to have access to a great IP law clinic in-house and tremendous IP-related legal residency opportunities. Our IP Library continues to be one of the best in the world. *IDEA: The Journal of the Franklin Pierce Center for Intellectual Property* continues to publish interesting articles about intellectual property law, and to provide students with editing and managerial experiences. Our faculty is producing world-class legal scholarship, doing lots of cutting edge service to the profession, and most importantly of all, striving to be truly excellent classroom teachers. Our alumni seem to be just as terrific as our current students, and if we haven't met yet, I very much look forward to saying hello in the future!

Best wishes,

Ann Bartow

## Franklin Pierce Center Hosts IP LawMeets

### UNH LAW STUDENTS EARN AWARDS AT REGIONAL COMPETITION



The Franklin  
Pierce Center  
for Intellectual  
Property at  
UNH Law was  
the site of the  
Eastern

Ian Schaeffer, Ashlyn Lembree and Deyna Jones.

Regional IP LawMeets Competition in October 2015. UNH Law professor Ashlyn Lembree hosted the competition, and the school's own 3Ls, Deyna Jones and Ian Schaeffer, won the award for Best Draft for the performer side of the Superb Game halftime show deal. The Best Draft award is the result of input on each team's draft and mark-up of another's draft, taken from six different judges, which makes it a more rigorous judging criteria than the live negotiation evaluations. In addition to the Best Draft award, Deyna and Ian received glowing comments from judges on their negotiation performances. Congratulations to both!

## Additional events held at the Franklin Pierce Center for Intellectual Property

- In October 2015, the Sports & Entertainment Law Society presented a panel discussion entitled "Protecting Secrets in Sports & Entertainment: The New Challenges that Technology Poses and the Legal Implications for Inadequate Protection." Moderated by UNH Law's **Roger Ford**, the panel included **Mark Szpak**, a partner at Ropes & Gray and a member of the firm's nationally-ranked data breach and privacy group; **Sean Smith**, director of the Institute for Security, Technology, and Society at Dartmouth College; **Mandy Petrillo**, director of legal operations for the Boston Red Sox; and renowned sports journalist **Bob Ryan**, who wrote for the *Boston Globe* for 44 years and regularly appears on ESPN.
- On December 3, 2015, UNH Law's Licensing Executives Society chapter hosted the presentation "*The Art of Licensing: from Celebrities to Cell lines to Cellphone Apps. (But can it get me a job?)*," organized by chapter president Prasant Muralidhar and faculty advisor, Professor Jon Cavicchi. The guest speaker was attorney Kim Rosenfield, managing director of the 147 Technology Group, which provides management, strategic consulting, business leadership, and legal services to biomedical and high-tech start-ups and non-profits. Rosenfield is Consulting Attorney, MIT Office of Technology Licensing, and formerly General Counsel for The State University of New York, The Research Foundation for SUNY. Rosenfield provided a landscape of the licensing profession, relevant to both law and graduate students. She discussed how licensing is used in strategic business decisions in all areas of IP and related areas of practice such as sports, entertainment, fashion law, etc. Throughout, she discussed the spectrum of career

options for new and seasoned IP professionals. One predominant theme was that licensing offers many career prospects, and she advised students to always be open to new opportunities.

## **UNH Law Graduate Programs Accepting Applications for Fall 2016**

The UNH Law [residential graduate programs](#) in [Intellectual Property](#) and [Commerce & Technology](#) continue to be a point of pride for the school. We are still accepting applications for the LL.M. And Master's program for Fall 2016. We also have options for limited residential (fall semester in residence and degree completion online) and a fully online LL.M. And Master's in Intellectual Property. Finally, we also offer generous international student scholarships. Please refer candidates to Director of Graduate Admissions, Pam Neville, at [pamela.neville@law.unh.edu](mailto:pamela.neville@law.unh.edu) or 603-513-5173.

### **Flexible Track Patent Law, Advanced Standing programs to debut in fall**

#### **NEW PROGRAMS OFFER DIFFERENT WAYS TO EARN A LAW DEGREE**

UNH Law announced the creation of the Flexible Track Patent Law Program, to debut in the fall of 2016, which allows top professional organizations and firms to retain their highly-qualified patent agents and technical specialists by offering them the opportunity to earn their JD degree. As the only *US News & World Report* top 100 law school and Top 10 IP program in New England to offer a flexible schedule option to patent bar eligible professionals, the innovative program allows patent bar eligible students to attend UNH Law's JD program two days per week while continuing to work.

The program is designed to take advantage of UNH Law's

expansive curriculum in IP law, including more than two dozen course offerings. Successful candidates for admission must be working on at least a part-time basis in a patent-related job, in positions such as patent agent, technology specialist, scientist or engineer, and meet UNH Law's admission requirements. Students will be able to complete the program in as little as three-and-a-half years, or they may take up to five years. Potential applicants to the program must have taken the LSAT and completed their bachelor's degree before matriculation. Students should take the February or June LSAT to be considered for admission to the program.

Also beginning in Fall 2016, international students who hold an LLB or an LLM may apply to UNH Law's JD program for admission as "Advanced Standing students." Student who qualify for this program may transfer as many as 28 credits toward their JD — either from a law school outside the United States or from UNH Law's LLM programs. This program allows international students to earn their JD in only two years, while also taking advantage of UNH Law's excellent IP curriculum. Advanced Standing students may enroll in UNH Law's clinics and legal residencies, and may participate in all aspects of the program of legal education, such as law review and moot court. Advanced Standing students must meet the JD program's admissions standards, except that no LSAT is required. We hope that our international alumni will spread the word about this accelerated JD program. If you have any questions regarding the program, please contact UNH Law admissions at [admissions@law.unh.edu](mailto:admissions@law.unh.edu) or at 603-513-5300.

## Franklin Pierce Center for Intellectual Property Faculty Highlights

Professor **Jon Cavicchi** spent a week at the USPTO in March at

the Patent and Trademark Resource Center Program (PTRCP) 38th Annual Training Seminar. He participated in and learned about new patent and trademark searching technologies at the USPTO as well many other information and education related initiatives coming over the next several years. UNH Law is the PTRC for the state of New Hampshire. Professor Cavicchi also oversaw IDEA issues two and three, published this Spring and available online. IDEA held their Annual Notes Symposium in April. Eight IDEA editors participated. The award was presented to John Kind for his note on patent post invalidation reissue. Additionally, it is the 20th Anniversary of the founding of the UNH Law IP Library, the only academic IP Library in the Western Hemisphere. To commemorate the event, Professor Cavicchi wrote an article in IDEA chronicling the strategic plan of the founding fathers for the IP Library and IP Librarian - [UNH School of Law IP Library: 20th Anniversary Reflection on the Only Academic IP Library in the United States](#) □.

**Roger Ford** published "[The Patent Spiral](#)," forthcoming in the *University of Pennsylvania Law Review*; "Unilateral Invasions of Privacy," forthcoming in the *Notre Dame Law Review*, and "Secrets and Information Security in the Age of Sports Analytics," forthcoming in *The Oxford Handbook of American Sports Law*. Ford also participated in a discussion forum hosted by the ACLU of New Hampshire on Privacy and Technology in the Granite State and moderated a panel on Protecting Secrets in the Sports & Entertainment Industries with the UNH Sports and Entertainment Law Society. In addition to presenting at Patent Conference 5 and the University of Chicago Legal Scholarship Workshop, Ford will present at the Junior Intellectual Property Scholars Association, the Works in Progress in Intellectual Property (WIPIP) Conference, and the Yale Information Society Project Conference on Unlocking the Black Box.

**Christopher Frerking** continued to lead one of the most

respected and comprehensive patent law and practice programs in the country, with extensive course offerings in patent law, patent practice, patent litigation, technology licensing, and IP management. He also helped coordinate UNH Law's Intellectual Property Summer Institute (IPSI), teaching Current Topics in Patent Practice and Patent Portfolio Management.

During the week of August 24, 2015, Dr. **Stan Kowalski** participated in the Heads of Intellectual Property Office Conference (HIPOC) for Countries in South Asia and Southeast Asia, at the World Intellectual Property Organization (WIPO) Singapore Office. Attended by government officials from South and Southeast Asian countries, WIPO IP experts and noted authorities, the theme of the meeting was "Heads of IP Offices as Architects of an Innovation Ecosystem." The meeting was organized by WIPO in cooperation with the Singapore Cooperation Program (SCP) and with the assistance of the Intellectual Property Office of Singapore (IPOS). It was part of the 5th Global Forum on IP (GFIP) 2015, a week-long event in Singapore.

During the fall 2015 semester, Professor **Ashlyn Lembree** presented to a Senior Engineering Project Class at UNH Durham. She also received an award from UNHInnovations for filing for and attaining registration of the various Rudman Center trademarks and generally assisting the program with its intellectual property development and protection. Over the summer of 2015, Lembree partnered with the U.S. Department of Commerce to present on U.S. intellectual property law at the American University of Armenia's Summer Intellectual Property Institute, sharing the stage with IP experts from around the world. This spring, Lembree and several students attended a Law School Clinical Program Conference at the USPTO in Alexandria,

VA on April 6. Lembree also traveled with the GSR Patent Moot Court Competition team for a day of oral arguments in Boston in March, and, along with Alexandra Roberts and John Orcutt, took part in a Brand Valuation conference hosted at UNH Law on April 22. Lembree presented twice at the Transactional Clinical Conference in Baltimore on April 29, and presented at the May meeting of the NHBA IP Section, discussing copyright law, with particular focus on the *Kirtsaeng v. Wiley* case that was argued before the U.S. Supreme Court in April, 2016 on the issue of the standard for awarding attorneys' fees in copyright infringement cases.

Professor **Michael McCann**, director of the Sports and Entertainment Law Institute, received a variety of recognition for his work, including being named by *Forbes Magazine* as the [#1 Must-Follow for Sports Law](#) in *Forbes'* "2015 Top 50 Must-Follow Sports Business Twitter Accounts." He was also honored by *The Boston Globe* as a [Top 25 Best Twitter Follow](#) in the *Globe's* "75 Best Twitter Follows in Boston Sports" and was a finalist for *Bostinno's* 50 on Fire Award for [2015 Sports and Fitness Award](#), in recognition of being "one of the city's hottest influencers, innovators and game-changers in the sports and fitness industry." McCann also signed a book contract with Oxford University Press to be the editor and an author of "The Oxford University Press Handbook of American Sports Law," set to be published in 2017, and authored more than 40 articles for *Sports Illustrated* and *SI.com*. McCann's Deflategate class, taught during the fall 2015 semester at UNH as part of the university's Discovery Program, enrolled 75 UNH undergraduates and garnered nation-wide attention, attracting numerous TV show segments and national and regional news articles. Among McCann's speaking engagements were lectures at Harvard Law School, Massachusetts Institute of Technology, Boston College Carroll School of Management and CUNY Graduate School of

Journalism in New York City, and he delivered keynote addresses at Middlesex Community College and the UNH Lakes Region Alumni Network Fall 2015 Reception.

Professor **William Murphy** presented at a conference at the University of Limerick, Ireland, on October 17, 2015, on the legal and ethical challenges facing the use of drones, from a U.S. perspective. He was also appointed an Adjunct Professor of Intellectual Property Law at the University of Limerick, Ireland, where during the spring semester, Murphy gave two open-to-the-public presentations as the featured speaker (one at the University of Limerick and one at University College Cork):

"[Valuing IP rights](#)," at the University of Limerick Ireland on January 21, and "Why valuation of Intellectual Property Assets is a critical skill for information age lawyers," at the Information Technology Law Clinic, University College Cork School of Law, February 2. Prior to that work, on December 4, 2015, Murphy presented "Unmanned Aerial Systems - an Industry Taking Off.

Finding the right regulatory balance" at the NH Bar day-long CLE on drone law and regulation. Murphy and professor John Orcutt were engaged by the Argentine Ministry of Science and Technology to join an international group of experts to give advice on "open innovation" strategies and how Argentina can effectively implement open innovation strategies into university and government research facilities. The final report ("Plataformas Abiertas para Tecnologías Estratégicas") was presented to the President of Argentina, the Minister of Science, Technology and Innovation, the Secretary of Planning and Policies in Science , Technology and Innovation, and the Secretary of Studies and Planning in September.

Professor **John Orcutt** was a visiting lecturer at East China University of Political Science and Law in Shanghai, China, in December 2015, teaching Intellectual Property Valuation, Analytics, and Decision Making. In September 2015, Orcutt

teamed up with the World Intellectual Property Organization (WIPO) and the European Commission to be a presenter in Budapest, Hungary, teaching a course on intellectual property valuation in the Danube Innovation Partnership IP Commercialization and Technology Transfer Summer School. Orcutt also worked as a researcher and adviser with Ministerio de Ciencia, Tecnología e Innovación Productiva in Buenos Aires, Argentina, from April through September 2015, working with a team that advised the Argentine government on “open innovation” strategies and other techniques to increase innovation commercialization in Argentina. He also teamed up with Professor William Murphy to author the forthcoming “*Intellectual Capital Readiness: The Use of Intangibles to Access Capital Markets*” – An Introduction for Business and Investors on intellectual property valuation for the World Intellectual Property Organization.

**Nicholson Price's** article on biologic manufacturing, “[Manufacturing Barriers to Biologics Competition and Innovation](#),” a project with Duke Law Professor Arti Rai published this spring in the *Iowa Law Review*, was the subject of a [New York Times story](#) on how high prices for expensive biologic drugs can be decreased. His article on the interaction between regulation and intellectual property (especially secrecy), “[Regulating Secrecy](#),” will appear in the *Washington Law Review*, and another piece on intellectual property incentives for the use of big data in non-transparent medical algorithms, “[Big Data, Patents, and the Future of Medicine](#),” appeared in the *Cardozo Law Review*. His work on those algorithms more generally, “[Black-Box Medicine](#),” was published last fall in the *Harvard Journal of Law and Technology*. He presented work at UNH, Harvard, Yale, Stanford, Michigan, Northwestern, Vanderbilt, the University of Texas, George Washington, Boston University, the University of Washington, Arizona State, Saint Louis University, DePaul, and the University of Copenhagen. He continues his work studying

innovation in the life sciences.

**Alexandra Roberts** was one of eight scholars selected to present a draft paper at Marquette Law's Third Annual Junior Faculty Works-in-Progress workshop in September 2015. She also published an editorial, "[The Redskins' Latest Legal Defense is Surprisingly Clever](#)," at fortune.com in November 2015. Roberts also was quoted in an article about hashtags as trademarks, "[US Court Adds Confusion To #Trademarks](#)," on the international IP law site Intellectual Property Watch in September 2015. In August 2015, she was a guest blogger for Eric Goldman's blog, Technology and Law, with "[Hashtags Are Not Trademarks—Eksouzian v. Albanese](#)." In 2016, Professor Roberts presented her draft paper, "Tagmarks," at Works-in Progress in Intellectual Property (WIPIP) in Seattle, Wash., Internet Law Works-in-Progress in New York City, and to members of the New Hampshire Bar's IP Section, as well as UNH Law students. She also accepted an offer from California Law Review to publish "Tagmarks" in 2017. She was featured in the Boston Globe's business section in a piece called "[Five Things You Should Know About Alexandra J. Roberts](#)," was quoted extensively in a [Bostinno article](#) about the use of the phrase "big game" versus "Super Bowl" and published what she believes is the [first-ever legal scholarship on BuzzFeed](#), which was [cited on Above the Law](#). She concluded the semester by presenting her work to professors and practitioners at the International Trademark Association (INTA) Annual Meeting in Orlando in May.

Under the supervision of Editor-in-Chief Samuel A. McMahon and guidance, management and mentorship of **Jon R. Cavicchi**, Professor of Legal Research and Intellectual Property Librarian, the flagship IP periodical IDEA has ascended to new levels of academic and scholarly excellence, strengthened its reputation among the top IP legal journals in the world and further established itself as a key asset of the Franklin Pierce Center for

Intellectual Property. Indeed, the recent leadership of **Ann Bartow**, Professor of Law and Director of the Franklin Pierce Center for Intellectual Property, has reemphasized the importance of this renowned journal, with the renaming exemplifying the exciting and dynamic role it plays for UNH Law: *IDEA: The Journal of the Franklin Pierce Center for Intellectual Property*. IDEA, now even more accessible and available on Lexis, Westlaw, HeinOnline, EBSCO, as well as the open access award-winning IP Mall website, will continue as the global IP thought leader. IDEA Volume 56 clearly illustrates the excellence, importance, and dynamism of this journal. Specifically, IDEA, in its 56th volume, returned to its roots by publishing articles that address the "nuts and bolts" of patent law, ramifications of the enactment of the AIA, and interesting topics in IP law generally. With a refocus on quality rather than quantity, IDEA publishes traditional law reviews, e.g., obviousness issues in patent law, as well as non-traditional ones – articles that go beyond the explication of a single legal issue, but rather empirically and critically analyze important and emerging questions in IP law, e.g., trademark or copyright protection for cake designs. As a student-run publication, IDEA will also continue to host the Student Writing Competition, wherein IDEA's editors review law student notes on the topic of IP law, and select the top contenders for the competition. Winning notes, always an interesting assortment of essays addressing patent, copyright, trademark, and trade secret law, are eligible for publication in IDEA.

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June 15, 2020 | UNH IN THE NEWS

## Some students want Franklin Pierce dropped from UNH Law School's name

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August 7, 2020 | UNH FRANKLIN PIERCE SCHOOL OF LAW

# No Decision Yet on Dropping Pierce Name From Law School

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