Denver Law Review

Volume 93
Issue 4 *Symposium - Future World IP: Legal Response to the Tech Revolution*

Article 2

December 2020

Vol. 93, no. 4: Foreword

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FOREWORD

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On February 3 and 4, 2016, the *Denver Law Review* hosted a conference entitled *Future World IP: Legal Response to the Tech Revolution.*[1] The conference brought together academics, practicing lawyers, interest groups, and government officials to discuss emerging technology and related legal issues. Through a number of panels, lectures, and roundtable sessions academics and industry leaders discussed a variety of issues concerning intellectual property (IP) and information law. The wide variety of perspectives that these individuals brought highlighted both the importance of these issues and their legal complexity. Panels discussed the Digital Millennium Copyright Act,[2] the doctrine of exhaustion, standards essential patents, patent thickets, post grant review strategies under the American Invents Act,[3] and cybersecurity and privacy.

This Symposium Issue of the *Denver Law Review* includes papers authored by several of the conference's academic participants. In *Exhaustion and the Limits of Remote-Control Property*, Professor Molly Shaffer Van Houweling characterizes exhaustion as a doctrine that limits the ability of property owners to "remotely control" objects covered by their intellectual property rights.[4] She goes on to identify unique characteristics of intellectual property and argue that courts and Congress should not overly rely on concepts drawn from tangible property. Instead, Van Houweling advocates for an intellectual property specific exhaustion policy that is attentive to the specific costs and benefits of remote control IP. Professor Samuel Ernst looks at exhaustion from a different vantage point in *Why Patent Exhaustion Should Liberate Products (and Not Just People).*[5] Focusing on the recent Federal Circuit decision in *Helferich Patent Licensing, LLC v. New York Times Co.*,[6]

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1. Symposium, *Future World IP: Legal Response to the Tech Revolution*, 93 DENV. L. REV. (2016). Both the University Denver Sturm College of Law and the *Denver Law Review* would like to thank all of our sponsors, namely: the Mabel Y. Hughes Charitable Trust (Platinum Sponsor); Hogan Lovells (Silver Sponsor); and Kilpatrick Townsend & Stockton LLP, Lewis Brisbois Bisgaard & Smith LLP, Cooley LLP, and HolzerIPLaw, PC (Bronze Sponsors).

2. Digital Millennium Copyright Act (DMCA), Pub. L. No. 105-304, 112 Stat. 2860 (1998) (codified in scattered sections of 17 U.S.C.).

3. Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284, 327–28 (2011) (codified in scattered sections of 35 U.S.C.).

4. Molly Shaffer Van Houweling, *Exhaustion and the Limits of Remote-Control Property*, 93 DENV. L. REV. 951 (2016).

5. Samuel F. Ernst, *Why Patent Exhaustion Should Liberate Products (and Not Just People)*, 93 DENV. L. REV. 899 (2016).

6. 778 F.3d 1293 (Fed. Cir. 2015).

Ernst argues that the exhaustion doctrine should not be conceptualized as just shielding authorized acquirers but should be thought of as adhering to a patented device.

Professor Margot Kaminski examines the critical issue of regulating data privacy in *When the Default Is No Penalty: Negotiating Privacy at the NTIA*.[7] She first describes how the National Telecommunications and Information Administration (NTIA) is currently relying on a multistakeholder process to regulate data privacy. She then argues that the process has largely failed and suggests implementing stronger default penalties to motivate private actors to take the NTIA's process more seriously.

In *Secrecy Is Dead – Long Live Trade Secrets*, Professor Derek Bambauer focuses on the balance between trade secret and patent law.[8] He predicts that changes in both law and technology will force innovators to turn to trade secret law instead of patent law. According to Bambauer, these changes implicate issues of free speech, federalism, and criminal enforcement of intellectual property rights.

Finally, in *A Tale of Two Layers: Patents, Standardization, and the Internet* Professor Jorge Contreras describes how Internet standards evolved with substantially lower patent filing and assertion activity than other parts of the high tech industry.[9] Contreras suggests that these choices were not just motivated by altruism but by profit. He then urges participants and policy makers in future industries (e.g., the Internet of Things, the Smart Grid, and wearable devices) to look at this "patent-light" environment when considering new rules and policies.

We hope our readers will enjoy both the variety of topics and expertise that these authors bring to the *Denver Law Review*'s Symposium Issue.

7. Margot E. Kaminski, *When the Default Is No Penalty: Negotiating Privacy at the NTIA*, 93 DENV. L. REV. 925 (2016).

8. Derek E. Bambauer, *Secrecy Is Dead – Long Live Trade Secrets*, 93 DENV. L. REV. 833 (2016).

9. Jorge L. Contreras, *A Tale of Two Layers: Patents, Standardization, and the Internet*, 93 DENV. L. REV. 855 (2016).