

## IP Timely Topics



---

### ORIGINAL PROGRAM DATE

November 14, 2023

---

### AVAILABLE MEDIA TYPES

Video & Audio MP3

*Presented in partnership with the WSBA  
Intellectual Property Section*

---

## REPORTING YOUR CREDIT

This on-demand seminar was originally presented as a live webcast on November 14, 2023, in Seattle, WA. If you attended the live webcast and reported CLE credits, you cannot also report credits from watching or listening to this recording if repeated within your three year reporting period.

## DESCRIPTION

In this on-demand CLE, presenters from across the country and the EU provide essential updates and practice tips on copyright, trademark, the latest significant cases, and the state of AI. Also learn about DEI programs at firms and corporations from a panel sharing experiences of success and challenges.

## AGENDA

### 1 Generative AI: Regulation and Intellectual Property Aspects in Europe

This presentation will cover details about proposed AI regulation in Europe and discuss what the future will be like in an AI regulated Europe. It will also look into different approaches to AI regulation in key territories, consider AI standards as a means for complying with AI regulation and what implications there are for intellectual property protection. Generative AI copyright in Europe will also be covered.

*Dr. Rachel Free - CMS Cameron McKenna Nabarro Olswang LLP, London, UK*

*Dr. Helen Wallis - CMS Cameron McKenna Nabarro Olswang LLP, London, UK*

### 2 AI Industry Trends and AI Technology's Applicability

This session will include a technical presentation and demonstrations of generative AI - what is it and how it works. Additionally, there will be a discussion about applicability to the IP industry.

*Robert Chang - Columbia IP Law, Bellevue, WA*

*Kevin Kuo - Hal9, Seattle, WA*

*Javier Luraschi - Hal9, Seattle, WA*

*Pedro Luraschi - Hal9, Seattle, WA*

### 3 Protecting Trade Secrets: Strategic Considerations and Best Practices

Discover the latest best practices for safeguarding trade secrets and defending against misappropriation. Learn how recent case law is shaping the trade secret landscape.

*Melanie Seelig - Knobbe Martens Olson Bear LLP, Seattle, WA*

## IP Timely Topics

(agenda continued from previous page)

### 4 **Stay Ahead of the Curve: Federal Circuit IP Cases Update with Practical Insights for Practitioners**

This presentation will provide an update on recent Federal Circuit Intellectual Property (IP) cases, where we'll delve into the latest rulings and their implications for IP practitioners. In this presentation, we'll provide a detailed analysis of the most significant decisions from the Federal Circuit, focusing on the practical considerations that attorneys and IP professionals need to know to effectively navigate this ever-evolving legal landscape.

*George Ngengwe - Shook, Hardy & Bacon LLP, Seattle, WA*

*Cesar Udave - Shook, Hardy & Bacon LLP, Houston, TX*

### 5 **Copyright Updates: Impacts of the Andy Warhol Decision**

In May, the Supreme Court decided that Andy Warhol did not enjoy fair use protections for his interpretation of a famous photograph of the artist once known as Prince, then known as something unpronounceable, then known as Prince again. At the heart of the case was the question of whether "the purpose and character of the use, including whether such use is of a commercial nature" supported a finding of fair use. Ultimately, the Supreme Court held that it did not because the commercial natures of the two works were too similar. What troubles does this case portend for current artists using cutting-edge technologies? How will the Warhol decision affect budding generative-AI visual artists going forward? We will consider these questions.

*John Whitaker - Christensen O'Connor Johnson Kindness PLLC, Seattle, WA*

### 6 **Trademark Updates: Impacts of the Jack Daniel's Decision**

This presentation will discuss the United States Supreme Court's Jack Daniel's Properties, Inc. v. VIP Products LLC decision concerning BAD SPANIELS branded dog toys, bearing a look-and-feel similar to JACK DANIEL'S Whiskey bottles. The presenters will discuss this important case, its impacts on both First Amendment defenses, as well as the likelihood of confusion analysis for trademark infringement. This discussion will include historical parody cases, what was decided vs. not decided by the Supreme Court in the Jack Daniel's case, and the practical implications for legal practitioners in both a law firm and in-house setting following this decision.

*Kelley Goldberg - Microsoft Corporation, Redmond, WA*

*Julianne Henley - Sparrow IP PLLC, Bellevue, WA*

### 7 **Impact of Amgen v. Sanofi on Patent Practice**

Understand how the law of enablement is being applied for both biotech and AI patents.

*Dennis Crouch - University of Missouri School of Law, Columbia, MO*

### 8 **DEI Programs at Law Firms/Companies: Sharing Experiences and Learning from Each Other's Successes and Failures**

The panel will present their discussion on the potential impact of Students for Fair Admissions v. Harvard and offer advice on how to avoid similar situations.

*Teresa Beck - Klinedinst PC, San Diego, CA*

*Terra Davis - Knobbe Martens Olson Bear LLP, Irvine, CA*

*Phong Dinh - Microsoft Corporation, Redmond, WA*

*Lawrence Lycke - Kestra Medical Technologies, Kirkland, WA*

*Timothy Scull - Faegre Drinker Biddle & Reath LLP, Denver, CO*

*Moderator: Sunah Lee - Microsoft Corporation, Redmond, WA*