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Law School Report

Digital dilemmas

A new concentration delves into fast-growing technologies

The practice of technology-related and intellectual property law is undergoing a revolution that parallels the technological revolution rapidly changing the society in which we live. From the exacting but largely static fields of copyright and patent law, IP is becoming a fast-growing area for practice and research. As the Internet and other digital technologies continue to evolve, lawyers worldwide are working overtime to help define a range of legal issues that such growth spins off.

At UB Law School, a new Technology and Intellectual Property Concentration will delve into some of those issues and prepare students for this fast-paced practice area. The Law School's faculty advisers for this interdisciplinary program are Associate Professor Shubha Ghosh and Professor Robert I. Reis.

"People have a lot more access to technology," Ghosh notes, "and they realize that technology is an integral part of what their personal and professional life entails. Part of the idea of this program is to tap into that. As a lawyer, the more you know, the better."

At the heart of the concentration is the issue of ownership and right of use of information and knowledge. This extends to such questions as protection of intellec-

tual property rights in copyright, patent and trademark law; ownership and use of communications and databases; free speech as it applies to new technologies; e-commerce issues; and how changing technologies affect the legal profession.

The concentration includes core courses in copyright, patent, trademark, computer law, e-commerce and cyberpiracy, and broader "context courses" dealing with antitrust, corporations, law and economics, securities regulation and international trade.

In addition, third-year students in the program will take an Intellectual Property Colloquium that focuses on cutting-edge issues of contemporary relevance – "hot issues in the field," as Ghosh puts it.

As well, students are encouraged to take related courses from outside the Law School, such as in UB's School of Informatics, and to work on the *Buffalo Intellectual Property Law Journal*.

"The nice thing about intellectual property is that there is a real historical component," Ghosh says. "The law is often about taking the dynamic and fluid, and putting it into some sort of categories. With intellectual property, the categories are shifting every day."

A course in the practice of intellectual property law, in which students would work for a concern and write about real-world issues arising from that situation, has already been established. Currently a third-year law student works each semester with the counsel for the Albright-Knox Art Gallery on issues related to what information the gallery might legally collect on visitors to its Web site as part of an Intellectual Property Practice course.

"The economy in general is changing,



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It is moving toward a services-based, professional-based economy. That means that the main property being exchanged is information and knowledge," Ghosh says. Such developments as the Digital Millennium Copyright Act of 1998, which made it a crime to bypass the encryption of DVDs have spawned "a lot of very interesting cases," he says.

Reis, the co-director, said one useful aspect of the program is that he and Ghosh come to the field from different perspectives. "An interesting synergy is created by having more than one person run it," Reis says. "Shubha came to this after the denomination 'intellectual property' was applied to patent law. Most of my work with copyright and patents came before intellectual property. I have done a lot of work in early computer development – before Apple, before the PC. Technology drives intellectual property, and vice versa."

As one might expect, the tenets of the concentration are not set in stone. "This is a concentration that is going to undergo some significant change and evolution," Reis says. "We are trying to form a critical mass to attract other professors to it and also new faculty, and make this an important part of the Law School."



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