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Testimony

By

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**Joint Committee on Energy and Technology**

**Raised H.B. No. 5465, An Act Concerning the Development of Green Jobs**

I appreciate the opportunity to provide written testimony regarding Raised H.B. No. 5465. The primary purpose of this testimony is to identify important synergies (and to forestall unwarranted redundancy) with the University of Connecticut School of Law's Intellectual Property and Entrepreneurship Law Clinic (IP Law Clinic). More specifically, I respectfully suggest the Energy and Technology Committee consider deleting Sec.18(b)(5) from Raised H.B. No. 5465. Section 18(b)(5) currently proposes that the Office of Small Business Affairs shall: "provide technical assistance to individuals and small businesses to protect intellectual property through patents and other mechanisms." The IP Law Clinic already provides the type of services contemplated by that portion of Raised H.B. No. 5465. The IP Law Clinic will continue providing these services and will expand to meet increased demand provided necessary funding is available.

The IP Law Clinic was established under the auspices of Public Act Number 06-83, An Act Concerning Jobs for the Twenty-First Century, three years ago.<sup>1</sup> C.G.S. § 10a-125a specifically provides for the "establish[ment] of an intellectual property law clinic" to assist business development in Connecticut. As the remainder of my testimony will

<sup>1</sup> Under the auspices of Public Act Number 06-83, An Act Concerning Jobs for the Twenty-First Century, the Connecticut Center for Entrepreneurship and Innovation (CCEI) was created. CCEI is a partnership between the School of Law and the School of Business, which created the Intellectual Property and Entrepreneurship Law Clinic and the Innovation Accelerator Programs respectively.

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delineate, the IP Law Clinic has not only provided exemplary legal support to Connecticut's innovator-entrepreneurs, but it also already has numerous clients involved with green technologies. Moreover, the Clinic will continue to actively seek opportunities to assist individual and small businesses involved with green technologies.

The IP Law Clinic has provided counsel to more than 140 of Connecticut's innovator-entrepreneurs on a wide range of intellectual property law and related business law issues since it opened in January 2007. These clients hail from seven of the eight counties in Connecticut. The core business of thirteen of these clients concerns green technologies. The technologies at issue are extremely diverse and include: fuel cells, bio-fuel, solar power, propulsion technology, and other alternative energy solutions as well as devices related to saving water and temperature control. These clients have benefited from a range of legal services which fall into three main categories: patent-related, trademark-related, and transaction-related matters. As is very often the case, a single client might require legal assistance on multiple issues. For the thirteen clients at issue, eight received assistance with patent-related matters. Six received assistance with trademark-related needs. Three received assistance regarding various transactional issues.

As Dean of UConn's School of Law, I am proud to see our school recognized as a partner in the legislature's efforts to foster job development and economic growth. Indeed, the Law School is so committed to efforts to fuel green job growth in the state that it has sought additional opportunities to expand our clinical offerings to include energy issues beyond those related to intellectual property. The Law School is now the recipient of a \$365,000 Congressionally-directed grant in the Consolidated Appropriation Act of 2010 to create a Center for Energy and Environmental Law, one component of which may be a law clinic designed to work closely with our existing IP Law Clinic. The statistics provided here offer only a small glimpse into the extraordinary contributions of the IP Law Clinic over the past three years. We plan to do still more in the coming years.

Under the guidance of supervising attorneys, the Clinic's students are involved in all aspects of client matters, including but not limited to conducting client interviews, performing legal research, drafting documents, and interacting with the U. S. Patent and Trademark Office and the U.S. Copyright Office. Students have advised clients regarding numerous legal issues, including patent searches and applications; trademark clearances and registrations; copyright registrations; copyright and trademark licensing; as well as nondisclosure, consulting, and employee agreements. In terms of sheer numbers, the IP Law Clinic has, for example, filed 6 non-provisional patent applications<sup>2</sup>, 7 provisional patent applications<sup>3</sup>, and more than 30 trademark applications (15 trademarks registered). Many more applications are already anticipated.

<sup>2</sup> A non-provisional patent application is the formal filing which fully delineates the contours of the invention and which undergoes evaluations by Patent & Trademark Office examiners.

<sup>3</sup> A provisional patent application which is comparatively less complicated than a non-provisional patent, is an initial filing designed to establish a priority date.

The IP Law Clinic typically has been oversubscribed with an abundance of talented, hard-working law students. These students possess a wide-range of technology expertise (both in terms of degrees and industry experience) including backgrounds in biology and chemistry (each at the Ph.D. and undergraduate levels); software engineering (at both the undergraduate and Masters levels); systems engineering; mathematics; physics; pharmaceuticals; and engineering (mechanical, electrical, and aeronautical). The IP Law Clinic also encourages enrollment by students with non-technical backgrounds who wish to gain experience working with intellectual property matters such as trademarks, copyrights, and agreements. The backgrounds of such students span journalism, foreign language studies, film, economics and business administration.

The IP Law Clinic's focus upon Connecticut's innovator-entrepreneurs has proven consistent with its receipt of national recognition. In July of 2008, it was honored as one of six law school clinics in the nation selected by the U.S. Patent & Trademark Office to participate in a two-year pilot program under which law students are granted limited recognition to practice law (while under attorney supervision) before the Patent & Trademark Office.

Thank you again for the opportunity to submit this testimony and for your continued recognition of the University of Connecticut School of Law's important role in contributing to the economic development of the state.

