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Testimony

By

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Higher Education and Employment Advancement Committee

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**Raised S.B. No. 1100, An Act Establishing a Task Force to Study the
Creation of an Innovation Corps of New Business and Industry Leaders**

Thank you for the opportunity to provide testimony regarding Raised S.B. No. 1100. The purpose of this testimony is to highlight the legal services that the University of Connecticut School of Law's Intellectual Property and Entrepreneurship Law Clinic (IP Law Clinic) currently provides to Connecticut's Innovator-Entrepreneurs.

The IP Law Clinic was created four years ago under the auspices of Public Act No. 06-83, An Act Concerning Jobs for the Twenty-First Century, with an underlying mission of economic development in Connecticut. It is my pleasure to share with the Committee the efforts undertaken by the IP Law Clinic and the University of Connecticut School of Law to fulfill that mandate.

Towards that end, my comments are divided into five sections:

- Serving Connecticut's Innovator-Entrepreneurs
- Garnering National Recognition
- Cultivating the Next Generation of Intellectual Property Attorneys
- Capitalizing on UConn's and Connecticut's Comparative Advantages
- Promoting Dialogue Regarding Innovation and Entrepreneurship

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Serving Connecticut's Innovator-Entrepreneurs

Since opening its doors in January 2007, the IP Law Clinic has assisted or is assisting more than 160 of Connecticut's innovators on a wide range of intellectual property and related business law issues. Its clients come from all eight counties and represent more than 65 different cities or towns.

The IP Law Clinic's clientele not only have diverse legal needs but also represent a wide range of industries including agriculture, biotech and medical devices, entertainment, internet businesses, consumer products, food products and services, engineering design, material sciences, and software.

Under the guidance of experienced supervising attorneys, the IP Law Clinic students have advised clients regarding numerous legal issues, including patent searches and applications; trademark clearances and registrations; copyright and trademark licensing; and nondisclosure, consulting, and employee agreements. The students are involved in all aspects of their clients' matters, including interviews, legal research, and drafting documents.

A primary focus of the IP Law Clinic's work entails seeking patent and trademark protection for its clients through the U.S. Patent and Trademark Office as well as federal copyright protection through the U.S. Copyright Office. As of December 2010, the IP Law Clinic had filed 66 federal trademark registration applications, of which more than 34 registrations have already been issued; 14 provisional and 11 non-provisional patent applications; and 19 federal copyright registration applications, of which 6 registrations have already issued.

In addition to counseling individual clients, the clinical faculty educate the inventor community more broadly through participation in sponsored events on behalf of the IP Law Clinic, and through lectures to innovator/entrepreneur groups throughout the state, particularly those with complementary missions to the Clinic. Examples of such broader outreach efforts include presentations to the CCAT Incubator, Yale Entrepreneurial Institute, University of Connecticut's Center for Clean Energy Engineering, SBIR Conference, and MEDI Conference.

Garnering National Recognition

Historically, the Law School has had a strong commitment to both clinical education¹ and to innovative approaches to intellectual property education. These two forces contributed

¹ The Law School's broad-based commitment to clinical education is well-established and includes, among other programs, numerous In-House Clinics in addition to the IP Law Clinic. Those clinics are the Asylum & Human Rights Clinic, Tax Clinic, Mediation Clinic, and Criminal Clinics (both Trial and Appellate).

to the IP Law Clinic garnering national recognition after only its first year of operation. In July of 2008, the IP Law Clinic was honored as one of six law school clinics in the nation selected by the U.S. Patent and 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. The pilot program has been extended an additional year (2010-2011) and the IP Law Clinic continues to participate successfully.

Cultivating the Next Generation of Intellectual Property Attorneys

Clearly an essential measure by which to assess the clinic's output is the quality and quantity of legal services it provides. But let me suggest an additional measure – the highly skilled attorneys that the clinic plays an important role in producing. The IP Law Clinic offers an extraordinary opportunity for learning through hands-on experience and one-on-one supervision by extremely seasoned practitioners.

Of course, the IP Law Clinic has a built-in head start in creating skilled intellectual property attorneys for at least two reasons – firstly, the Law School attracts some of the best and the brightest law students both from the U.S and abroad.² Secondly, the broader intellectual property curriculum of the Law School contributes significantly to the IP Law Clinic's success.

With regard to the law students themselves, the student body exhibits an extremely wide range of industry and technology experience, which includes backgrounds in mathematics, biology, chemistry, physics, engineering (aeronautical, electrical, mechanical, software, and hardware), pharmaceuticals and medical arts. Many have graduate (Masters or Ph.D.) degrees in their technical disciplines. Students with non-technical backgrounds are similarly well-suited to both provide invaluable assistance to clients and to gain invaluable experience themselves working on intellectual property matters such as trademarks, copyrights, and varied agreements. The backgrounds of such students span journalism, foreign language studies, film, and economics.

In addition to the IP Law Clinic, UConn law students are able to enjoy a wide array of intellectual property courses. The range of course offerings are far too extensive to be presented here, so only a few highlights will be presented. In addition to the essential basics including the Intellectual Property Survey,³ Patent Law, Copyright Law, and Trademark Law, more advanced courses that are currently offered include: Advanced

² UConn School of Law offers an International LL.M. program in U.S. Legal Studies (“International LL.M.”) which is open only to students with a law degree from a foreign country. While the International LL.M. began in 1993, in 2005-2006 the option for a certificate in Intellectual Property became available. Since that time, nearly 15% of the LL.M. students have obtained the Intellectual Property Certificate. For the International LL.M. class of 2010, 40% of the students enrolled in at least one intellectual property course. These students, already attorneys in their respective countries, immeasurably enrich the experience of their fellow students and the faculty.

³ According to an American Association of Law Schools survey, in 2001 UConn was the only accredited U.S. law school offering an intellectual property course to first-year students.

Patent Law, Practice & Procedure; International Copyright; Strategic Decisions in Intellectual Property Litigation; Intellectual Property Licensing; Taxation of Intellectual Property; and Ownership and the Law of Arts and Antiquities.

Capitalizing on UConn and Connecticut's Comparative Advantages

We continue to capitalize on UConn's and the State of Connecticut's comparative advantages both inside and outside the classroom. Several examples provide insights into our ongoing efforts to be at the right place at the right time – whether it is in terms of growth industries, important debates, or community outreach.

With regard to our outreach efforts to specific industries, the IP Law Clinic continues to assist individual and small businesses involved with green technologies. As a result, today we have an increasing number of clients whose core businesses concern green technologies in diverse fields including fuel cells and other alternative energy solutions as well as an array of energy saving devices.

In terms of our efforts to both anticipate and contribute to important legal debates, the IP Law Clinic, UConn's Insurance Law Center and the Geneva Association sponsored a symposium entitled, *Insurance, Intellectual Property & Innovation* which examined everything from patenting insurance methods to insurance policies to cover either the efforts to institute or defend against intellectual property-related lawsuits.⁴

The IP Law Clinic recognizes and celebrates the fact that many other entities in Connecticut share its mission of economic growth and development. As such, the IP Law Clinic works closely, when appropriate, with other UConn-affiliated and non-profit business assistance programs in Connecticut including (but not limited to): University of Connecticut's Innovation Accelerator, Tech-knowledge Portal and Technology Incubation Program. Additional programs include: Connecticut Center for Advanced Technology, Connecticut Technology Council, Connecticut Innovations, and the Connecticut SBIR.

Promoting Dialogue Regarding Innovation and Entrepreneurship

In closing I would like to share the IP Law Clinic's most recent endeavor to further promote meaningful public discourse regarding the numerous issues that lie at the intersection of intellectual property, innovation, and entrepreneurship. Through financial support from a local law firm, we recently launched the *Cantor Colburn LLP Intellectual Property and Entrepreneurship Distinguished Speaker Series* in January 2011. The Inaugural Lecture was given by the Undersecretary of Commerce for Intellectual Property and Director of the Patent and Trademark Office David Kappos.⁵

⁴ Insurance, Intellectual Property & Innovation Symposium (April 4, 2008), *available at*, <http://www.law.uconn.edu/event/2008/04/04/insurance-intellectual-property-innovation>.

⁵ <http://www.law.uconn.edu/content/cantor-colburn-speaker-series-inaugural-lecture>.

This particular endeavor represents only the most recent example of the IP Law Clinic's commitment to using its unique role to further a more comprehensive understanding of the nexus between intellectual property, innovation and economic development both within the state of Connecticut and more broadly. Through this and all the previously mentioned activities, the IP Law Clinic – and UConn Law School – prepares its students to contribute to the information economy.