

# OREGON INTELLECTUAL PROPERTY NEWSLETTER



Oregon State Bar  
Intellectual Property Section

Intellectual Property Student Organization  
Northwestern School of Law of Lewis & Clark College



## Uniform Electronic Transactions Act in Oregon

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Electronic contracting received a major boost this past summer when the Oregon Legislature quietly passed the Uniform Electronic Transactions Act (UETA). Most notably, this legislation reduces uncertainty associated with the enforceability of electronic contracts and signatures. The fundamental tenet of this new law is that contracts executed electronically or online, such as through email or by clicking "I agree," may not be denied legal effect or enforceability solely because they are in electronic form or were formed electronically.

Sections 1 to 21 of 2001 Oregon Laws, chapter 535, which became effective on June 22, 2001, adopt that version of UETA approved by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in July, 1999, with very minor variation for the sole purpose of ensuring consistency with Oregon law. Although Oregon made no substantive changes in its adoption of UETA, it did enact additional state-specific provisions which will be discussed later. Consequently, to understand Oregon law it is first necessary to clearly understand UETA.

### Rule of Equivalence

UETA was the first major effort to gain traction toward providing uniform laws related to transactions in electronic commerce.

Its fundamental tenets can be found in section 7 of UETA:

(a) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form.

(b) A contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.

(c) If a law requires a record to be in writing, an electronic record satisfies the law.

(d) If a law requires a signature, an electronic signature satisfies the law.

Under UETA, records created, generated, sent, communicated, received or stored by electronic means can be the legal equivalent of paper documents. Furthermore, electronic signatures can be the legal equivalent of physical signatures. The term "electronic signature" is broadly defined

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Thomas E. Bahrman

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### OSB IP Section Welcome

By Charles F. Moore  
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As the incoming chair of the Oregon State Bar Intellectual Property Section, I am pleased to introduce another edition of the Oregon Intellectual Property Newsletter. This Newsletter is one of several collaborations between the IP Section and the IP Student Organization at the Northwestern School of Law of Lewis & Clark College.

As a member of the IP Section for the last four years, I have been pleased to see our interactions with the Oregon law schools

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## Letter From the Editor

By Peter Irvine  
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With this issue, my first as Editor in Chief, we have a new staff and look for the Newsletter. Our goal is to provide a lively forum for the Pacific Northwest Intellectual Property community to discuss cutting-edge issues and stay informed of current events and developments in the law.

This issue of the Newsletter reflects, through content, physical distribution, and style, the ever-strengthening nexus between IP and Cyberlaw. Our three main articles are all related to life with the Internet: (1) Thomas Bahrman explains the recent passage of the Uniform Electronic Transfers Act (UETA); (2) Lydia Loren spells out the implications of a recent copyright decision on digital audio streaming; and (3) Valerie du Laney and Paul Havel walk us through the expansion of the domain name hierarchy and the attendant trademark concerns. In terms of distribution, the IP Section is mailing this issue to all the

members of the Computer and Internet Law Section of the Oregon State Bar, with the hope that the recipients will recognize a need for current information on IP—a need which can be fulfilled in part by joining the IP Section. We've also changed the look of the Newsletter, moving to the contemporary "Verdana" font, a typeface often seen online, to emphasize that our concerns are topical, not historical.

We want to thank all of our current contributors. We welcome contributions from the IP community, including law students, of lengths up to fifteen pages. Submissions to [oiptnews@lclark.edu](mailto:oiptnews@lclark.edu) for the next issue will be due in late February, for a March publication date.

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This newsletter is available online:  
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The Newsletter follows the conventions of the Association of Legal Writing Directors & Darby Dickerson, *ALWD Citation Manual* (Aspen L. & Bus. 2000).

### From the President of IPSO

By Michael Green  
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As Intellectual Property becomes increasingly entwined with all aspects of business, the field of Intellectual Property law continues to expand. The information revolution is largely responsible for pushing IP issues to the forefront of legal concern, and notwithstanding the recent (mostly inevitable) dot.com bust, IP can be counted on to play a major role in law and business.

At the Northwestern School of Law of Lewis and Clark College, we have one of the most respected IP programs in the country, and student involvement is one of its hallmarks. This year, the Intellectual Property Student Organization (IPSO) is comprised of a large, diverse, and talented group of students. Our commitment to Lewis & Clark and its excellent IP program is matched only by our determination to help improve both. By sponsoring a series of speakers, campus events, and this newsletter, IPSO maintains a strong presence on campus and in the legal community. Plus, we have a lot of fun.

I'd like to thank the OIPN staff for their efforts in putting together this newsletter, the Oregon State Bar for their support, and the officers and members of IPSO who have contributed so much time and energy. Thanks, y'all.



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## Stake Your Claim On A New Domain

By Valerie du Laney and  
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*One of the greatest races in history started at noon on September 16, 1893. More than 100 years ago, homeseekers and opportunists gathered along 165 miles of the southern borders of Kansas. They were there to race for approximately 6 million acres of land, extending 58 miles to the south.<sup>1</sup>*

Today businesses and opportunists are submitting their claims to acquire intellectual property in the form of new domain names. In November, 2000, the Internet Corporation for Assigned Names and Numbers (ICANN) announced that seven new generic Top-Level Domains (gTLDs) had been selected for use beginning in 2001. These new gTLDs – .biz, .info, .name, .pro, .aero, .coop, and .museum – are all expected to “go live” sometime in late 2001 through 2002. This means that trademark and tradename owners should take action either to secure domain names they want or to monitor new registrations for potential infringement and cybersquatters.

### The Dot.Biz Domains

Dot.biz is a restricted gTLD, available only for commercial or business purposes. ICANN has accredited NeuLevel, a neutral third-party provider of global registry services, with operating the dot.biz domain name registry. NeuLevel’s pre-registration “sunrise” process allowed owners of registered trademarks to submit online requests (at a nominal application fee) to pre-register domain names corresponding exactly to their registered marks. For multiple submissions for the same domain name, the process provided for one claimant to be chosen randomly as the owner of the domain.

Although the pre-registration process ended on September 16, 2001, there may still be opportunities for trademark owners to reserve new domain names corresponding to their trademarks. NeuLevel is currently scheduled to open “.biz” to general registration on November 7, 2001, about two weeks later than originally planned. There have been over a million applications for dot.biz addresses, according to recent figures from NeuLevel. About 168,000 pre-registered names (for

which only one application was received) have been activated as scheduled since October 1. Another 25,000 are planned to be activated by November 7. If a desired domain name has been pre-registered by a third party, that pre-registration might still be subject to challenge on procedural grounds.

The dot.biz registration process has been fraught with difficulties. First, the “sunrise” process required each domain name applicant to own a valid trademark registration corresponding to the domain name sought. NeuLevel reports that numerous sunrise period applicants relied on trademark registrations which did not exist.

Second, those dot.biz domain names sought by more than one “sunrise period” claimant are at the center of a dispute. Plaintiffs in California filed suit in Los Angeles Superior Court to block NeuLevel from awarding any domain name sought by multiple claimants. They claimed that NeuLevel’s method of choosing among multiple claimants constituted an illegal lottery. The judge agreed that the plaintiffs had a reasonable chance of prevailing at trial, and so issued an injunction halting distribution of 58,000 pre-registered dot.biz domain names for which more than one application had been filed. However, on October 25, 2001, the court-ordered injunction on NeuLevel’s distribution of the contested domain names was lifted because the plaintiffs failed to post a required bond. More information is available on the registry website at [www.neulevel.com](http://www.neulevel.com).

### The Dot.Info Domains

Afilias is the third-party provider of services accredited by ICANN to operate the new dot.info domain name registry. Anyone may register a dot.info domain for any purpose. Afilias, like NeuLevel, provided a pre-registration “sunrise” service for owners of federally-registered trademarks registered with any country’s federal authority by October 2, 2000. They could pre-register domain names identical to their registered marks. That “sunrise registration period” was effective from July 25 until August 27, 2001.

Afilias’s pre-registration “Sunrise Challenge” period is now in effect. During this period, which began on August 28 and extends through December 26, 2001, any sunrise registration can be challenged for failure to meet sunrise application criteria. Challenges must be filed with the World Intellectual Property Organization (WIPO). According to Afilias, applications for more than 52,000 dot.info



addresses were submitted this summer during the sunrise period intended for trademark owners. Some of those registrations are being challenged because the applications included false trademark data. General registrations began September 12, 2001. According to recent data from Afiliat, more than 500,000 dot.info domain names have already been claimed. Further information about dot.info domain names is available at [www.afiliat.com](http://www.afiliat.com).

## The Other Domains

Dot.name domain names will be solely for personal, non-commercial use. The dot.name registry, to be operated by Global Name Registry (GNR), a British company, allows for registration of third-level Domain Names. i.e., the "First name" part of "Firstname.lastname.name." The dates on which registration will be allowed, and the means for protecting trademarks corresponding to such names, are apparently still being discussed. More information is available at [www.theglobalname.org](http://www.theglobalname.org).

Dot.pro domain names will be for use exclusively by professionals such as lawyers, doctors and accountants, and their associations. An example of a possible new dot.pro domain is *MillerNash.law.pro*. The registry, to be operated by RegistryPro, plans to require applicants to submit proof of their professional credentials to reserve a domain name. Further detail may be found at [www.registry.pro](http://www.registry.pro).

Dot.aero domain names are to be reserved for members of the air transport industry and civil aviation sector, including airlines, airports and related industry bodies. This registry will be run by the Societe Internationale de Telecommunications Aeronautiques S C. (SITA). SITA, which is still negotiating its final agreement with ICANN, anticipates opening its application process sometime in the first quarter of 2002. Details are available at [www.sita.int](http://www.sita.int).

Dot.coop domain names are to be reserved for business cooperatives, such as credit unions, agricultural grower's coops, and rural electric cooperatives. The registry is sponsored by the National Cooperative Business Association (NCBA), supported by the International Cooperative Alliance (ICA), with Poptel Ltd. serving as the technical registry operator. According to the registry website, NCBA hopes to have dot.coop registration services up and running by the end of 2001.

Dot.museum domain names will be registered through The Museum Domain Management Association (MuseDoma), a non-profit trade association founded by the International Council of Museums and the J.

Paul Getty Trust. According to its website ([www.musedoma.org](http://www.musedoma.org)), MuseDoma has been accepting preliminary requests for the reservation of subdomain names in the dot.museum top-level domain.

Overall, according to data published by Domain Name News Watch (<http://cf.vi.net/dnnw/index.cfm>), more than 30 million gTLD domains had been registered as of October 15, 2001. Of these, over 23 million were dot.com domain names, 4.5 million were dot.net domains, and 2.9 million were dot.orgs. A "land rush" for registering new gTLDs is not expected to occur again any time soon. Therefore, trademark owners would be well-advised to consider whether the value of their company name, trademarks, and trade-names would be protected by investing in additional domains while they remain available.

1. John Edward Hicks,  
*Cherokee Strip Was Pandemonium*,  
Kansas City Times, Sept. 14, 1968.  
See <http://www.ukans.edu/heritage/towns/strip.html>

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multiply. This past year saw our involvement with the law schools grow to new levels. On the CLE front, the Section provided a \$1000 sponsorship to Northwestern School of Law's Third Annual Conference on Intellectual Property in the Global Market Place. The Conference featured the Hon. Paul R. Michel of the U.S. Court of Appeals for the Federal Circuit as the keynote speaker. In addition to participating in the CLE program and many other activities, Judge Michel graciously attended a luncheon with area practitioners and spoke to a meeting of the IP Section Executive Committee.

At the 2001 OSB Convention, the Section co-sponsored a presentation by Section Executive Committee member and Northwestern School of Law Professor Lydia Loren, entitled "WWW Presents: Copyright vs. The First Amendment." Also, for the third year running the Section sponsored a law student team competing in the Giles S. Rich Moot Court Competition, covering topics in patent law. Section members organized a practice round for this year's team from the University of Oregon Law School. The Section also provided a stipend to help with the team's travel

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## The Complicated World of Music Copyrights and Webcasting

By Professor Lydia Pallas Loren  
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Must radio stations that simultaneously webcast their over-the-air broadcasts using streaming technology pay for the public performance of the sound recordings they broadcast? The answer given by the Copyright Office,<sup>1</sup> and upheld this summer by a district court in Pennsylvania,<sup>2</sup> is unequivocally yes. While that may not seem like such a surprising ruling, it becomes more surprising in light of the fact that the radio stations are not required, and have never been required, to pay for the public performance of the sound recordings they broadcast over-the-air.

### Background

The copyright issues involved in the music industry are complicated by the fact that there are two layers of copyright—the copyright in the musical work (the musical notes and lyrics), and the copyright in the sound recording (the recorded sounds that are “fixed” on a CD, tape, or digital file). While musical works were first granted federal copyright protection in the 1800s, it was not until 1971 that Congress granted sound recordings federal copyright protection.

Radio stations broadcasting over FM or AM frequencies have long been accustomed to paying royalties for the musical works that they broadcast, but not for the sound recordings. Until 1971, this result was logical because the second layer of copyright protection, the copyright in the sound recording, did not exist. The royalties that radio stations pay for the use of the musical works are paid to performing rights organizations (mainly ASCAP, BMI and SESAC) who then distribute those royalties to the copyright owners of the musical works—generally songwriters and music publishers. Radio broadcasters had lobbied hard against granting sound recordings federal copyright protection at all, and only backed-off when assured that sound recordings would not be granted a public performance right. Thus, even after sound recordings were granted federal copyright protection, AM and FM radio stations continued to pay royalties for only one layer of copyright—the musical works.

Since the recognition of the sound recording

copyright in 1971, copyright owners (mostly large record companies that routinely take an assignment of the copyright from the performing artists) lobbied for a public performance right, but strong opposition from broadcasters thwarted any attempted legislation. Instead, copyright owners of sound recordings could control the reproduction and public distribution of their sound recordings, but they had no statutory authority to control, and thus to obtain royalties for permitting, the public performance of their works.

### Digital Performance Rights in Sound Recordings

The reality of digital public performances created a new set of risks for the record industry. If individuals can hear the songs they want, at anytime they want, by dialing up a digital “celestial jukebox,” they will be unlikely to purchase their own phonorecords, either by paying a fee and digitally downloading them or by obtaining them at a record store. The potential of digital audio transmissions to supplant the purchase of CDs by individuals finally outweighed objections to a public performance right that had been routinely voiced by the broadcast industry. In 1995, Congress enacted the Digital Performance Right in Sound Recordings Act (DPRSRA).<sup>3</sup> Under DPRSRA, sound recording copyright owners were granted a right to control the public performance of their works “by means of a digital audio transmission.”<sup>4</sup> As defined by the statute,<sup>5</sup> a digital audio transmission would include the sending of sounds from one place to another using digital technology such as through a digital network, including the Internet. Many viewed the DPRSRA as a compromise because it granted a more limited public performance right and thus addressed the concerns of the recording industry without “upsetting the longstanding business and contractual relationships among record producers and performers, music composers and publishers and broadcasters that have served all of these industries well for decades.”<sup>6</sup>

Compromise also was built into the DPRSRA in the form of a three-tiered system for categorizing the licensing requirements for digital transmissions, based on the transmission’s likelihood of affecting phonorecord sales.<sup>7</sup> Those digital audio transmissions that are least likely to affect record sales are exempt entirely, i.e. outside the scope of the copyright own-



ers' rights. Other transmissions that might harm phonorecord sales are within the scope of the right, but subject to a statutory license which permits the digital transmitter to engage in the transmission upon payment of a license fee. The final category of transmissions, those that have the most potential to reduce phonorecord sales, are fully within the control of the copyright owner, requiring negotiated authorization from the sound recording copyright owner. Digital transmissions that are "interactive," i.e. that allow recipients to choose what music will be played or to predict with some specificity the music that will be played, fall into this final category. These transmissions are not exempt, nor are they eligible for statutory licensing; permission from the sound recording copyright owner must be obtained.<sup>8</sup> Archived programs that allow individuals to effectively rewind and fast forward through the program which is then digitally transmitted to the individual are also considered "interactive" and thus require a license from the sound recording copyright owner. In 1998, the Digital Millennium Copyright Act (DMCA) readjusted certain categorizations of various digital transmissions, but the underlying premise for the categorizations remained the same.

## The "Nonsubscription Broadcast Transmission" Exemption

In keeping with the policy underlying the DPRSRA, the statute exempts a "nonsubscription broadcast transmission" from the scope of the § 106(6) rights granted to sound recording copyright owners.<sup>9</sup> Recent litigation has sought to clarify what kinds of transmissions qualify for this exemption. Remember that the public performance right granted to sound recording copyright owners only applies to *digital* audio transmissions; analog transmissions have never been within the rights granted to sound recording copyright owners. And, as a result of the broadcast exemption, digital audio transmissions that are "nonsubscription broadcast transmissions" are also not within the sound recording copyright owner's control.

Subsequent to the enactment of the DPRSRA, thousands of radio stations began transmitting their AM and FM broadcasts over the Internet through streaming technology.<sup>10</sup> The statute indicates that, for purposes of the "nonsubscription broadcast transmission" exemption, a "broadcast" transmission "is a transmission made by a terrestrial broadcast station licensed as such by the Federal

Communications Commission."<sup>11</sup> Thus, the FCC licensed radio stations believed that the simultaneous streaming of their broadcasts over the Internet was exempt from any sound recording licensing obligations.

In 2000, the Recording Industry Association of America (RIAA) petitioned the Copyright Office to clarify whether AM/FM broadcasters who simultaneously stream their broadcasts over the Internet were exempt from paying royalties pursuant to the "nonsubscription broadcast transmission" exemption. The Copyright Office issued rules interpreting the broadcasting exemption as not extending to such transmissions, thereby requiring radio stations that want to transmit their broadcasts over the Internet to either obtain permission directly from the copyright owners of the sound recordings, or comply with the requirements for the statutory license.<sup>12</sup> According to the Copyright Office, the exemption for a "broadcast transmission" is limited to over-the-air digital transmissions by FCC licensed broadcasters. Therefore, radio stations engaged in simultaneous streaming of their broadcasts must pay royalties to both the musical work copyright owner and the sound recording copyright owner.

Radio station owners immediately challenged this rulemaking in court. The RIAA, representing the interests of sound recording copyright owners, was permitted to intervene as a defendant in the action. On August 1, 2001, the Eastern District of Pennsylvania upheld the Copyright Office rulemaking as a valid exercise of the Copyright Office's authority. The court first noted that the statute defines a "nonsubscription transmission" as "any transmission that is not a subscription transmission."<sup>13</sup> Simultaneous streaming over the Internet of traditional radio broadcast, a practice the court refers to as AM/FM streaming, is not a subscription transmission.<sup>14</sup>

Determining whether AM/FM streaming was the kind of "broadcast" transmission that Congress meant to exempt was a bit more complicated. In describing the changes implemented by the DMCA, the court noted that Congress had eliminated an exemption for non-subscription, noninteractive webcasting transmissions, instead allowing those kinds of webcasting services to seek statutory licenses.<sup>15</sup> In determining that the statute is ambiguous concerning whether Congress intended to exempt AM/FM streaming, the court noted:

It is strange that Congress would choose not to exempt webcasting, but choose to



exempt AM/FM streaming, an activity that shares many characteristics with webcasting. Furthermore, if Congress did intend to have AM/FM streaming understood as a "nonsubscription broadcast transmission," it is even more surprising that there is no mention of AM/FM streaming anywhere in the statute.<sup>16</sup>

Finding that the statute did not directly address the issue, the court went on to conclude that Congress had granted the Copyright Office authority to interpret the Copyright Act. Applying *Chevron* deference to the Office's rulemaking<sup>17</sup> the court held that the Office's interpretation of the statute was reasonable. The court also held that if it were examining the issue outside the context of the Copyright Office rulemaking, it would come to the same conclusion: Congress did not intend to exempt AM/FM webcasters from the digital public performance right granted to sound recording copyright owners.

## Conclusion

Where does this leave radio stations that want to simultaneously stream their broadcasts over the Internet? Because of the lack of an exemption, these stations will now need to pay royalties to the copyright owners of the sound recordings. These royalties either will be statutorily established if the broadcast is within the requirements for a statutory license,<sup>18</sup> or will need to be negotiated with the sound recording copyright owner.

Part of the Copyright Office and the District Court's decision relied on a notion of parity: all webcasters should be treated similarly by having to pay royalties for the public performance of the sound recordings they webcast regardless of whether they also simultaneously broadcast over an AM/FM station. Now, however, there is a lack of parity between what a radio station must pay to transmit its broadcast over-the-air and what the same radio station must pay to transmit its broadcast over the web. For both of these broadcasts the musical work copyright owner will need to be paid, but, the radio station will only need to pay the sound recording copyright owners for the station's webcasting activities.<sup>19</sup>

1. Public Performance of Sound Recordings, 65 Fed. Reg. 77292 (Dec. 11, 2000) [hereinafter *The Rulemaking*].
2. *Bonneville Int'l Corp. v. Peters*, 153 F. Supp. 2d 763 (E.D. Pa. 2001).
3. Pub. L. No. 104-39, 109 Stat. 336 (1995) (effective February 1, 1996).

4. 17 U.S.C. § 106(6).
5. The Copyright Act defines a digital transmission as "a transmission in whole or in part in a digital or other non-analog format." 17 U.S.C. § 101. A digital audio transmission is further defined as a digital transmission "that embodies the transmission of a sound recording" but "does not include the transmission of any audiovisual work." 17 U.S.C. § 114(j)(5).
6. S. Rep. No. 104-128, at 15 (1995).
7. See 17 U.S.C. § 114(d).
8. Permission from the musical work copyright owner will also be necessary.
9. 17 U.S.C. § 114(d)(1)(A)&(B).
10. Despite this change in industry practice, the amendments made by the Digital Millennium Copyright Act did not alter the exemption for "nonsubscription broadcast transmissions."
11. 17 U.S.C. § 114(j)(3).
12. *The Rulemaking*, *supra* n. 1.
13. 17 U.S.C. § 114(j)(9).
14. *Bonneville*, 153 F. Supp. 2d at 774.
15. The court cited legislative history of the DMCA indicating the changes were in response to the wide proliferation of music services offering digital transmissions over the Internet, including the fact that "services commonly known as 'webcasters' have begun offering the public multiple highly-themed genre channels of sound recordings on a nonsubscription basis." *Id.* at 769. (citing *Staff of House Comm. on the Judiciary, 105th Cong., Section-by-Section Analysis of H.R. 2281 as passed by the United States House of Representatives on August 4, 1998*, at 50 (Comm. Print 1998)).
16. *Bonneville*, 153 F. Supp. 2d at 775.
17. *Chevron, U.S.A., Inc. v. Nat'l Resources Defense Council, Inc.*, 467 U.S. 837, 843, 104 S. Ct. 2778, 81 L. Ed. 2d 694 (1984). The Copyright Act provides that "all actions taken by the Register of Copyrights under this title are subject to the provisions of the Administrative Procedure Act of June 11, 1946, as amended." 17 U.S.C. § 701(d) (1988). It is important to note that the Copyright Office is not an executive agency, but rather is a subdivision of the Library of Congress, part of the legislative branch of government. This raises interesting separation of powers issues that are outside the scope of this article. See *Bowsher v. Synar*, 478 U.S. 714 (1986).
18. See 17 U.S.C. § 114(d)(2).
19. While musical work copyright owners have collective licensing organizations from which the stations can obtain blanket licenses, such as ASCAP and BMI, currently no such organizations exist to collectively license sound recording copyrights.



## Third Annual Distinguished Intellectual Property Visitor: Pamela Samuelson

Professor of Law and Information Management; Director, Berkeley Center for Law & Technology, Boalt Hall, University of California at Berkeley

Professor Samuelson will be at the Northwestern School of Law of Lewis and Clark College February 26 through March 1, 2002, teaching classes, mingling with students, and presenting a public lecture on the evening of February 28, 2002.

Pamela Samuelson is a professor at the University of California at Berkeley with a joint appointment in the School of Information Management & Systems as well as in the School of Law where she is a Director of the Berkeley Center for Law & Technology. She teaches courses on intellectual property, cyber-law and information policy. She has written and spoken extensively about the challenges that new information technologies pose for traditional legal regimes, especially for intellectual property law.

In June of 1997, she was named a Fellow of the John D. and Catherine T. MacArthur Foundation. Samuelson is also a Fellow of the Association of Computing Machinery, a Public Policy Fellow and a member of the Board of Directors of the Electronic Frontier Foundation, a member of the American Law Institute, and a member of the Board of Directors for the Northern California chapter of the American Civil Liberties Union. From 1990 to 2000, she was a Contributing Editor of the computing professionals' journal, *Communications of the ACM*, for which she wrote a regular "Legally Speaking" column.

In May 2000, she received a Distinguished Alumni Award from the University of Hawaii Law School. Samuelson is currently serving on the National Research Council's Study Committee on Intellectual Property Rights in the Knowledge-Based Economy and previously served on the Council's Study Committee on Intellectual Property Rights and the National

Information Infrastructure, which produced a report entitled "The Digital Dilemma: Intellectual Property Rights in an Information Age." In June 2000, the *National Law Journal* named her as one of the hundred most influential lawyers in the U.S.

A 1976 graduate of Yale Law School, she practiced law as an associate with the New York law firm Willkie Farr & Gallagher before turning to more academic pursuits. From 1981 through June 1996, she was a member of the faculty at the University of Pittsburgh Law School, from which she visited at Columbia, Cornell, and Emory Law Schools.

Recent publications by Professor Samuelson include "Privacy as Intellectual Property?" in the *Stanford Law Review*; "Intellectual Property and the Digital Economy: Why the Anti-Circumvention Regulations Need to Be Revised," in the *Berkeley Technology Law Journal* (1999); "A New Kind of Privacy? Regulating Uses of Personal Data in the Global Information Economy," a book review in the *California Law Review* (1999); "Intellectual Property and Contract Law for the Information Age: Foreword to a Symposium," in the *California Law Review* (1999); "Implications of the Agreement on Trade-Related Aspects of Intellectual Property Rights for Cultural Dimensions of National Copyright Laws," in the *Journal of Cultural Economy* (1999).

The Distinguished Intellectual Property Visitor Series is sponsored by a generous grant from Mentor Graphics Foundation.

...Welcome continued from page five

expenses to San Francisco for the Regional Competition. This year the Section also continued its annual Intellectual Property Essay Contest, with the goals of encouraging scholarship and generating content for the Newsletter and Section website.

On behalf of all Section members, I would like to thank the students of Northwestern School of Law for their time and efforts devoted to producing this Newsletter twice each year. As always, we invite your submissions and your feedback on how the Newsletter can best serve your needs. Please feel free to contact the Newsletter staff or me with your ideas and input.



Professor Pamela Samuelson



...UETA continued from page one

under UETA as "an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record."<sup>2</sup> The use of specific technology to create a valid signature is not necessary, the signer's intent at execution is what governs. As noted in the Official Comments, whether a record has been "signed" is a question of fact and subject to proof under other applicable law. A recorded voice, email header or footer, firm name on a facsimile, or other electronic communication might all constitute an electronic signature if the requisite intent to sign is found. Similarly, clicking "I agree" on a website may also be deemed an electronic signature.

## Scope

The application of UETA has a generally broad scope, but includes a number of significant limitations. Section 3 specifies that UETA applies only to electronic records and electronic signatures relating to a "transaction." A transaction is broadly defined in section 2 as "an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs." Although not clear in the language of UETA, the Official Comment notes that "commerce" and "business" are to be construed broadly to include transactions involving individuals who may qualify as "consumers" under other applicable law. The Comments also clarify that unilateral or non-transactional actions are not included within the scope of UETA. Regardless whether inside the scope of UETA, section 3 provides that all transactions remain subject to other applicable substantive law.

UETA does not apply to transactions governed by laws listed in section 3 of that Act. Oregon lists, and thereby excludes from the scope of UETA, transactions governed by laws related to the creation and execution of wills, codicils, or testamentary trusts and the Uniform Commercial Code (UCC), other than sections 1-107, 1-206, article 2, and article 2A.

It is important to note that UETA is an opt-in statute. Under section 5, both parties must specifically assent to conduct transactions by electronic means. No party can be compelled to engage in transactions by electronic means, and any party consenting to electronic means may later refuse to engage in future transactions by electronic means. However, whether the parties agree to use electronic means may be determined by the context and surrounding circumstances of the transaction, including the parties' conduct.

## Default Rules

UETA, following the model of the UCC, is principally a set of default rules. Except where otherwise specified in UETA for certain policy considerations, the effect of any provision of that Act may be varied by agreement of the parties. Here are the more significant rules to consider:

**Attribution.** Section 9 provides the rather vague rule that an electronic signature is attributable to a person if it was the act of that person. Although such "act of the person" may be shown in any manner, UETA encourages the use of security procedures, explicitly pointing out that a showing of the efficacy of any security procedure is specifically relevant in determining the person to which an electronic record or electronic signature is attributable.

**Change or Error.** Section 10 also encourages the use of security procedures by providing that if two parties agree to use a particular security procedure, and one party fails to conform to that procedure, the conforming party may avoid the effect of any changes or errors that occurred and could have been prevented had the other party also conformed. This section additionally provides a process for an individual to avoid any changes or errors resulting in an automated transaction with an electronic agent if the electronic agent does not provide an opportunity for prevention or correction of the error.

**Time and Place of Sending and Receipt.** Section 15 includes detailed rules on when and where an electronic record is deemed sent and received, similar to the "mailbox rule" under UCC Article 2. Generally, an electronic record is sent when it enters a system outside the sender's control and received when it enters a system designated by the recipient for the receipt of such records.

## Application

In addition to the general rule of equivalence discussed above, UETA provides several specific rules regarding its application in certain circumstances:

**Notarization and Acknowledgement.** Section 11 allows satisfaction of any notary, acknowledgment, verification, or oath requirement under any law through the use of an electronic signature, provided such electronic signature is attached to or logically associated with the underlying signature or record being notarized, acknowledged, etc.

**Record Retention.** Section 12 provides that an electronic record will satisfy any law that requires a record be retained if the electronic record is accurate and remains accessible for later reference. Governmental agencies may specify additional retention requirements within



their respective jurisdictions. Since UETA is limited to prospective application from the date of its passage under section 4, it should not be relied upon to convert current paper records into electronic format with the intention of destroying the paper originals.

Admissibility in Evidence. Section 13 provides simply: "In a proceeding, evidence of a record or signature may not be excluded solely because it is in electronic form."

Electronic Agents. Section 14 allows for the formation of contracts through the use of electronic agents. An electronic agent is defined as "a computer program or electronic or other automated means used independently to initiate an action or respond to electronic records or performances in whole or in part, without review or action by an individual."

Transferable Records. Section 16 enables the use of electronic negotiable instruments, referred to as "transferable records," by establishing a system which parallels UCC Article 3 and 7 (ORS chapters 73 and 77). To create and maintain transferable records under the statute, a system must be implemented that only allows a single (unique, identifiable, and unalterable) authoritative copy of the transferable record. Any person seeking to enforce a transferable record must be in "control," similar to a "holder" under the UCC, of the transferable record.

Government Agencies. Sections 17 to 19 are optional provisions under UETA, which were adopted in Oregon. These sections authorize governmental bodies to regulate the use of electronic signatures and records in transactions to which they are a party and encourage government bodies to adopt standards that promote consistency and interoperability.

## Consumer Protection

Consumer protection is a significant political issue for any state considering adoption of UETA. To understand the issue, it is important to have some familiarity with the federal Electronic Signatures in Global and National Commerce Act (E-Sign) which generally became effective on October 1, 2000.<sup>3</sup> E-Sign is similar to UETA in many ways and was enacted to resolve the lack of uniformity among state laws and ensure the enforceability of electronic signatures and contracts in interstate commerce, regardless whether individual states adopt UETA. Seeking to preserve states' rights, E-Sign includes complex and narrow "exemption to preemption" provisions which allow states to opt-out of a major portion of E-Sign. States may opt-out by adopting the uniform version of UETA or alternative procedures and requirements which are consis-

tent with E-Sign.<sup>4</sup> Oregon's statute was carefully crafted to fall within this exemption by adopting both the uniform version of UETA and additional provisions consistent with E-Sign.

One of the significant distinctions between E-Sign and UETA is that E-Sign includes detailed consumer protection provisions not found in UETA.<sup>5</sup> Because of the exemption to preemption mentioned above, a state adoption of the uniform version of UETA arguably preempts E-Sign's consumer protection provisions. The Oregon Legislature made a policy decision to adopt the consumer protection provisions of E-Sign into Oregon law. Consequently, 2001 Oregon Laws, chapter 535, section 24 contains the consumer protection provisions found in E-Sign with no substantive change. Those provisions contain certain criteria which must be met before various statutory notice requirements can be satisfied by electronic means and preclude the use of electronic notice for actions such as termination of utility services or residential eviction.

It should be noted that UETA does contain more general requirements regarding the presentation of electronic records. According to section 8, if certain information is required by law to be provided, sent or delivered in writing, an electronic record must be capable of retention by the recipient at the time of receipt to satisfy that law. Capable of retention includes the ability of the recipient to print or store the electronic record. Any specific format or presentation requirements specified in a law must also be complied with in the electronic record. If any sender inhibits the ability of a recipient to store or print an electronic record, the record is not enforceable against the recipient.

## Digital Signatures

In discussing "electronic signatures," one should note the important distinction between this term and "digital signatures." As mentioned, any electronic sound, symbol or process may be deemed an electronic signature if the requisite intent to sign is present. Digital signatures, on the other hand, are technology specific forms of electronic signatures which offer additional advantages such as authentication and encryption. Documents executed with digital signatures provide greater assurance of the identity of the signatory and are more difficult to alter and forge.

Prior to the passage of 2001 Oregon Laws, chapter 535, Oregon had adopted an Electronic Signature Act which thinly addressed the enforceability of electronic and digital signatures and provided an infrastructure for registering companies which issue digital signatures



(Certification Authorities). Sections 31 to 36 of 2001 Oregon Laws, chapter 535 significantly amend the Oregon Electronic Signature Act by renaming it the "Digital Signature Act" and reconciling it with UETA. The amendment limits the Digital Signature Act's application to digital signatures only and makes appropriate reference to the newly adopted UETA provisions which govern the enforceability of electronic signatures.

## Conclusion

Between E-Sign and UETA, there is substantially less risk associated with the enforceability of electronic contracts and signatures today. Although electronic contracting in Internet based transactions is fairly common, these new laws will foster more extensive development and use of electronic contracting technology.

1. Thomas E. Bahrman is an attorney with Newcomb, Sabin, Schwartz & Landsverk practicing in the area of business transactions and planning, with emphasis in technology and computer law. He received his law degree from Willamette University College of Law, earned a Master of Business Administration degree with Honors from the Atkinson Graduate School of Management at Willamette, and obtained a B.A. in Computer Science/Business from the University of Puget Sound. Tom participates in the Oregon State Bar's Computer and Electronic Information Workgroup and helped advise the 2001 Oregon Legislature in connection with its adoption of the Uniform Electronic Transactions Act.
2. UETA § 2(8).
3. 15 USC §§ 7001 to 7031.
4. 15 USC § 7002(a).
5. See 15 USC § 7001(c).

## IP Section News

By Karen Dana Oster, *Miller Nash LLP*, [oster@millernash.com](mailto:oster@millernash.com)

The Section co-sponsored with the Taxation Section a lunchtime CLE, "Taxation of Intellectual Property: Maximizing Returns by Minimizing Taxes." Presenters were Steve Christensen of Miller, Nash LLP and Nick P. Nguyen of Lane, Powell, Spears, Lubersky LLP.

The Section co-sponsored the American Bar Association Intellectual Property Law Section 2001 Summer Intellectual Property Law Conference in Seattle.

The Executive Committee facilitated discussions with the Professional Liability Fund (PLF)

as it examined the patent attorney exemption from PLF coverage.

To encourage support for the Campaign for Equal Justice, the Section matched each new contribution or increased contribution made by a Section member (up to a total of \$1500).

Karen Dana Oster, in her capacity as Section Chair, attended the 2001 Oregon State Bar Convention as a voting member of the House of Delegates in the ex-officio category, generally monitoring matters with a focus on the interests of IP law practitioners.



## Recent Decisions

### Copyright Law: *New York Times Co., Inc. v. Tasini*<sup>1</sup>

On June 25, 2001, the United States Supreme Court held that periodical publishers may not reproduce articles in electronic databases without permission from the authors of the articles. The decision of the Second Circuit Court of Appeals was affirmed, and the case remanded to the district court on the issue of appropriate remedy. Justice Ginsburg wrote for the majority of the Court, while Justice Stevens, joined by Justice Breyer, dissented.

Tasini and other freelance authors wrote articles for various print periodicals. The publishers of those periodicals had agreements with electronic databases to allow the databases to publish the contents of the periodicals, including the articles. The databases allow a user to search the contents and identify information of an article to retrieve and print it without reference to the format or images associated with the periodical from which the article originates.

The Court focused on the perspective of the user. A user who picks up a copy of a periodical, e.g., the *New York Times*, will see the article in context of format, accompanying images, and position in relation to the other articles and pages. However, a user who searches the databases and retrieves the same article will not see any of the context except certain identifying information such as source, author, and page number in the original periodical.

The Copyright Act grants two distinct rights in this context: one in the work and one in the collective work. The copyright in a collective work only covers the creative material added by the collector and not the underlying contributions. The publishers who collected the works and maintain a copyright in the periodicals have the privilege to reproduce and distribute the articles only if they are part of "that particular collective work, any revision of that collective work, and any later collective work in the same series."<sup>2</sup>

The Court denied that the databases are a revision of the collective work; although the databases are a collection of many periodicals (collective works), there is no new version of the periodicals. Alternatively, the Court found that the articles in database form were no longer part of a larger work at all since the articles were stripped of the context of format, images, and position in the periodical. Because the articles were no longer part of a collective work at all, the publishers lost their privilege to reproduce the articles. Therefore, because the databases do not reproduce the articles in context of the entire

collective work, the publishers and databases infringed the authors' copyrights in the articles.

1. 121 S.Ct. 2381, 150 L.Ed.2d 500 (2001).
2. 17 U.S.C. § 201(c) (1976).

By Emily M. Matson (ematson@lclark.edu) of Northwestern School of Law of Lewis and Clark College.

### Trademark Law: *Downing v. Abercrombie & Fitch*<sup>1</sup>

On September 13, 2001, the Ninth Circuit Court of Appeals reversed and remanded an order of summary judgment for the popular clothing company Abercrombie & Fitch (A&F). In their Spring 1999 "Abercrombie & Fitch Quarterly" publication, the company published a photo of a group of surfers at the 1965 Makaha International Surf Championship in Hawaii. The photo listed the names of the surfers, and the company produced a line of t-shirts based on the clothing the surfers were wearing in the photo. The company had neither sought nor received permission from the surfers for the use of their likenesses or names; the company had paid the photographer \$100 for the photo. The surfers filed suit against A&F for using their names and likenesses without permission. In addition to a handful of copyright and defamation claims, the plaintiffs asserted that in publishing the photo without permission A&F had violated the Lanham Act, 15 U.S.C. § 1125. The district court granted A&F summary judgment on all of the claims. On de novo review the Court of Appeals reversed on most of the claims, including the claim of trademark infringement.

The surfers asserted that A&F had violated section 43(a)(1)(A) of the Lanham Act by using their likenesses and names (the trademark) without permission to endorse a line of products in the Spring 1999 issue of the A&F Quarterly. The plaintiffs argued that the company had misled consumers into thinking the surfers endorsed A&F's products. In determining there were issues of material fact regarding the Lanham violation claim, the court endorsed use of the eight-factor test enumerated in *AMF, Inc. v. Sleekcraft Boats*, 599 F.2d 341, 348-9 (9th Cir. 1979) and its adaptation for cases involving celebrities.<sup>2</sup>

A&F claimed "nominative fair use" of the likenesses and names, but the Court of Appeals held that summary judgment was not appropriate for this application of the doctrine.<sup>3</sup> The court found



that A&F had used the plaintiffs' likenesses and names intending to sell the company's products, rather than those of the plaintiffs, and found that it was unlikely nominative fair use would be extended to such a situation. Even if the doctrine were applied, the court felt that there were issues of material fact regarding the third condition of the test and thus the issue was better suited for determination at trial rather than in a motion for summary judgment.

1. *Downing v. Abercrombie & Fitch*, 265 F.3d 994 (9th Cir. 2001).
2. *See White v. Samsung Elec. Am., Inc.*, 971 F.2d 1395, 1400-1 (9th Cir. 1992).
3. *See New Kids on the Block v. News America Publishing, Inc.*, 971 F.2d 302 (9th Cir. 1992) for an explanation of how the doctrine applies to celebrities.

By Katherine A. Lane ([klane@lclark.edu](mailto:klane@lclark.edu)) of Northwestern School of Law of Lewis and Clark College.

## Student Writing Competitions

### Foley & Lardner

Foley & Lardner's Third Annual Intellectual Property Competition with prizes totaling \$20,000 for papers addressing intellectual asset management. Prizes:

- 1 - \$5,000 Grand Prize to one 1ST year law student
- 1 - \$5,000 Grand Prize to one 2ND year law student
- 1 - \$5,000 Grand Prize to one 3RD year law student
- 3 - Honorable Mention prizes

Acceptable topics are as broad as a candidate's initiative, creativity and vision. Entries must be postmarked not later than midnight, May 15, 2002. Papers should be not less than ten, or more than 30, double-spaced typed pages. For more information go to: [http://www.foleylardner.com/SEM/IP\\_writing\\_competition.html](http://www.foleylardner.com/SEM/IP_writing_competition.html).

### George Hutchinson Writing Competition

The Federal Circuit Bar Association is pleased to announce the 2002 George Hutchinson Writing Competition, named in honor of the First Chief Clerk of the Federal Circuit Court of Appeals.

The Federal Circuit Court of Appeals was established in 1982 by Congress as the first Article III appellate court to have exclusive jurisdiction over certain defined subject areas. Specifically, the

Court's jurisdiction includes appeals from all patent litigation (nationwide), Patent and Trademark Office decisions.

Entries to the contest may discuss any topic that lies within the procedure, substance, or scope of the jurisdiction of the Federal Circuit Court of Appeals.

The competition is open to all law students enrolled in ABA accredited law schools. We permit and encourage students to base their entries on papers that they prepare for law school courses and seminars during the 2001/2002 school year.

Three Thousand Dollars (\$3,000.00) will be awarded to the entry deemed by the judges to be the best entry and to merit the award. Second and third place cash prizes may also be awarded at the discretion of the judges.

Submissions must be postmarked no later than June 1, 2002. Entries and any questions regarding the Writing Competition should be addressed to: <http://www.fedcirbar.org/Writing%20Competition/default.htm>.

### Recording Academy® Entertainment Law Initiative

In its fourth year, ELI is designed to forge a connection between the Academy's creative and technical constituency and the legal community. ELI promotes discussion and debate on the most compelling legal issues facing the music industry today. ELI is composed of two major elements: a national legal writing contest and a high-profile luncheon, held during GRAMMY week, which is attended by music attorneys, executives, members of the Academy and students. The contest challenges students to research and identify a compelling legal issue confronting the music industry and propose a resolution. The scholarship is co-sponsored by the American Bar Association (ABA), and the winning papers will be published by both the Recording Academy and the ABA. CONTEST RULES: Students must register their names and contact information with ELI project manager Griff Morris (224 S. Michigan Ave., Suite 250, Chicago, IL 60604, 312/786-1121) by December 15, 2001, to be eligible for contest entry. Manuscripts, including end-notes, shall be no longer than 3,000 words. Awards will be distributed as follows: \$5,000 for first place and \$1,500 for each of four runners-up. All five finalists receive one Gold-level GRAMMY Awards ticket, accommodations at the Four Seasons Hotel, round trip ticket on Continental Airlines, one ticket to MusiCares® Person of the Year dinner, and an invitation to the GRAMMY Nominee Reception. The winning article will be published by both the Recording Academy and the ABA. For complete details and additional information, email [griff@grammy.com](mailto:griff@grammy.com).



## U.S. District Court for the District of Oregon Patent Cases Filed 01/01/2000 to 10/03/2001

Case No.	Case Title	Presider Referral	Dates
3-00-00222-HA	<i>Acumed, Inc. v. Innovasive Devices, Inc.</i>	Haggerty	Filed: 02/11/2000
3-00-00344-BR	<i>Digimarc Corp. v. Verance Corp.</i>	Brown	Filed: 03/08/2000
3-00-00394-ST	<i>Digimarc Corp. v. Signum Tech. Corp.</i>	Stewart	Filed: 03/17/2000
3-00-01134-AS	<i>MSM Inv. Co. v. Stryke Botanics Co.</i>	Ashmanskas	Filed: 08/15/2000
3-00-01278-JO	<i>Digimarc Corp. v. Verance Corp.</i>	Jones	Filed: 09/19/2000
3-00-01365-AS	<i>Edwards Sys. Tech., Inc. v. Digital Control Sys., Inc.</i>	Ashmanskas	Filed: 10/04/2000
3-00-01413-JO	<i>US Nat. Resources, Inc. v. Cae, Inc.</i>	Jones	Filed: 10/18/2000
3-00-01466-HA	<i>Versa Corp. v. Ag-Bag Int'l. Ltd.</i>	Haggerty	Filed: 10/30/2000
3-00-01587-PA	<i>Halsen Designs, Inc. v. RockShox, Inc.</i>	Panner	Filed: 11/17/2000
3-00-01617-JO	<i>QS Indus., Inc. v. Mike's Train House, Inc.</i>	Jones	Filed: 11/22/2000
3-00-01675-HA	<i>Old Town Canoe Co. v. Glenwa, Inc.</i>	Haggerty	Filed: 12/06/2000
3-00-01677-AS	<i>Supergard Canada Ltd. v. Toughguard, Inc.</i>	Ashmanskas	Filed: 12/06/2000
3-01-00077-HA	<i>Westblock P., LLC v. Anchor Wall Sys., Inc.</i>	Haggerty	Filed: 01/16/2001
3-01-00099-JO	<i>Rosen Prod., LLC v. Baker Elec., Inc.</i>	Jones	Filed: 01/19/2001
3-01-00194-AS	<i>Caddis Mfg., Inc. v. Classic Accessories, Inc.</i>	Ashmanskas	Filed: 02/08/2001
3-01-00414-HA	<i>Old Town Canoe Co. v. AZJS, Inc.</i>	Haggerty	Filed: 03/26/2001
3-01-00500-BR	<i>Seiko Epson Corp. v. Print-Rite Holdings Ltd.</i>	Brown	Filed: 04/10/2001
3-01-00544-HU	<i>Versa Corp. v. AG-Bag Int'l. Ltd.</i>	Hubel	Filed: 04/18/2001
3-01-00616-JE	<i>Kai USA Ltd. v. Master Cutlery, Inc.</i>	Jelderks	Filed: 04/30/2001
3-01-00873-BR	<i>Semitoool, Inc. v. Ebara Corp.</i>	Brown	Filed: 06/11/2001
3-01-00874-BR	<i>Semitoool, Inc. v. Novellus</i>	Brown	Filed: 06/11/2001
3-01-01066-BR	<i>Semitoool, Inc. v. Applied Materials, Inc.</i>	Brown	Filed: 07/12/2001
3-01-01076-ST	<i>New Venture Mfg. &amp; Serv., Inc. v. United Mach. Indus.</i>	Stewart	Filed: 07/13/2001
3-01-01079-JE	<i>Kai USA Ltd. v. Joy Enter.</i>	Jelderks	Filed: 07/13/2001
3-01-01154-HU	<i>Smith v. Piak</i>	Hubel	Filed: 07/27/2001
3-01-01158-JO	<i>Michaels of Or. Co. v. Clean Gun, LLC</i>	Jones	Filed: 07/27/2001
3-01-01219-JO	<i>Mike's Train House, Inc. v. QS Indus., Inc.</i>	Jones	Filed: 08/14/2001
3-01-01254-JO	<i>Anchor Wall Sys., Inc. v. Westblock Sys., Inc.</i>	Jones	Filed: 08/21/2001
3-01-01272-HU	<i>Oregon Health Sci. U. v. Vertex Pharm., Inc.</i>	Hubel	Filed: 08/23/2001
3-01-01307-JE	<i>Digimarc Corp. v. Verance Corp.</i>	Jelderks	Filed: 08/31/2001
3-01-01449-HU	<i>Applied Material, Inc. v. Semitoool, Inc.</i>	Hubel	Filed: 10/01/2001
3-01-01459-BR	<i>Nike, Inc. v. Dixon</i>	Brown	Filed: 10/01/2001

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## Calendar of Events

DATE	EVENT/SPONSOR	CONTACT
<b>Ongoing</b>	<b>Oregon Patent Law Association</b> The Oregon Patent Law Association is planning a series of CLEs concerning the new patent prosecution rules.	Micah Stolowitz at Stoel Rives, <a href="mailto:mdstolowitz@stoel.com">mdstolowitz@stoel.com</a> , for more information.
<b>December 11</b> 6:15 p.m.	<b>The Emerging Business Technology and Electronic Commerce group at Miller Nash</b> presents <b>Business of High Technology Lecture</b> . Kirby Dyess, Vice President and Director of Intel Capital Operations, will deliver the fourth seminar in the new OGI series. Sign up to receive mailings from EBTEC at <a href="http://www.millernash.com">http://www.millernash.com</a> .	Sign up to receive mailings from EBTEC at <a href="http://www.millernash.com">http://www.millernash.com</a> .
<b>February 11</b> 4:00 p.m.	<b>Dedication of the New Building, Northwestern School of Law of Lewis and Clark College</b> United States Supreme Court Justice Antonin Scalia will officially dedicate the new building.	Look for information at <a href="http://www.lclark.edu/LAW/">http://www.lclark.edu/LAW/</a> .
<b>February 28</b> 7:30 p.m.	<b>Public Lecture, Distinguished IP Visitor</b> Pamela Samuelson will speak (see page 9). Northwestern School of Law of Lewis and Clark College.	Shirley Johansen <a href="mailto:johansen@lclark.edu">johansen@lclark.edu</a>
<b>March 8</b> Morning	<b>The First Amendment, Copyright and Cyberspace.</b> A morning seminar at the Northwestern School of Law campus. Hosted by the Civil Rights section of the Oregon State Bar.	Look for more details through the OSB, <a href="http://www.osbar.org">http://www.osbar.org</a> .