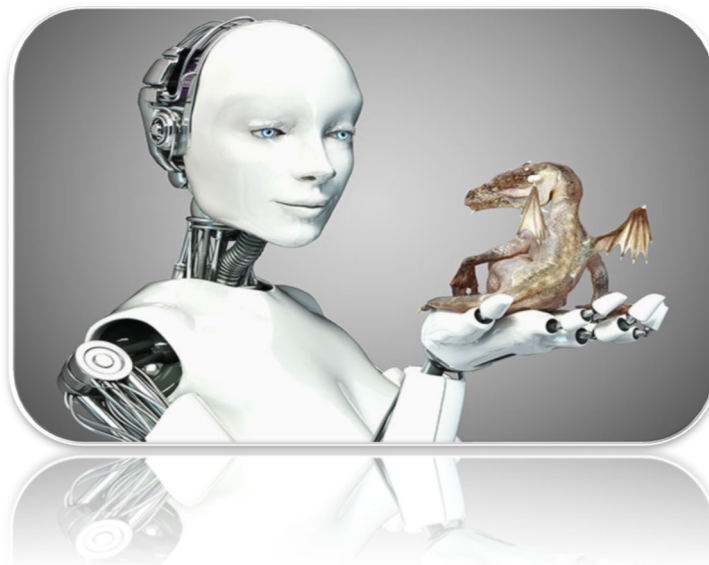


P FIVE GUYS®



Tips for Avoiding IP Pitfalls & Technology Traps

Association of Corporate Counsel, National Capital Region

Small Law Department and General Counsel Primer (September 12, 2019)



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Introduction

During this presentation, we will cover a wide variety of Intellectual Property and technology issues companies and their legal departments face in light of our increasingly connected world. The technologies and gadgets we use every day raise a wide variety of legal issues and questions regarding appropriate corporate and personal use restrictions in the workplace. Many of these tools are designed to simplify and support productivity and provide 24/7 connection to the workplace. But while companies may become more efficient when implementing these technologies, in-house legal departments and IT are often not aware of the vast amounts of data created, used, and shared that track their employees activities, both inside the office and after they leave it, as well as their customers and partners. As with many areas of law involving emerging technology, technology innovation leads the way and the legal and regulatory guidance follows, slowly.

We all benefit from increasingly consumer-friendly and useful interactions in the digital world. But there is a darker side to this technological revolution? As recent high-profile hacks have vividly demonstrated, company technology and IP can be used against its interests and without consent—sometimes with serious business consequences.

Have our darkest technological visions been realized from the quest to improve our work and lives, connect, collect information, and share with others? Does the promise of security and convenience now trump any right to or expectation of privacy and protection of important company assets? Is our effort to build tools that predict the future using big data and artificial intelligence actually the greatest achievement of a surveillance state—one that controls our actions and opportunities before we've even performed the predicted act? We'll explore the intersection of technology, law, and regulation, and the challenges it raises for in-house counsel.

Join us for an exciting, fast-paced discussion of the best in-house counsel IP and tech tips you'll hear in one place. We'll share our top tips, lessons learned, and future predictions regarding IP and tech issues. Is your company using employee wearable device fitness data in its wellness program? Have your contractors *really* assigned their IP rights to the company? Are you thinking about putting an Alexa in your office? Is it ok to use biometric data for employee time tracking? We'll cover all of these topics and more—you're guaranteed to walk out with 30+ tips that you can put into practice as soon as you return to the office!



PRESENTATION OUTLINE

Introduction

Intellectual Property and Technology Issues-A Primer

IP Protection Regimes

Geographic Restrictions on IP Protection

Build an International IP Protection & Enforcement Strategy

Get that Copyright "Right" in Writing

Hackathons are for IP Hacks

Software Protection Options

Architectural Copyright Protection Issues

Companies & Their Influencers

Just Say "No" to Bad Brand Names

Clear the Brand Before You Fall in Love

Are #Hashtags Trademarks?

IP in the Cloud

Website IP Issues

Open Source & Standard Licensing Issues

IP Considerations in Contracts



Send Employees Back to School for IP & Contract Training (Early and Often)

Legal's Role in Technology Procurement

The Convenience vs. Security Conundrum

Have an IP or Data Breach Issue? Check Your Contracts and Insurance Policies

I'm Not Going to Jail for You People

Digital Fingerprints and Tracking

Wearables in the Workplace

Location Tracking

Biometric Information Collection

Constant Accessibility to Work=Wage and Hour Woes

Artificial Intelligence and Digital Assistants

Meet My Assistant, Alexa

Meet My Assistant, Amy @x.ai

Artificial Intelligence in the Office

Your AI is Not An Author (aka The Monkey Selfie Problem)

Patent Protection for AI? Future Unclear...

Snitches in Your Pocket

Other Emerging IP and Tech Issues

Printer Protections

Why Care About Cryptocurrencies?

Blockchain Regulation

DAMN the Dispute!

Additional Resources

Basic Facts: Trademarks, Patents, and Copyrights, uspto.gov, available at <https://buff.ly/2KEwEqR>

General Information Concerning Patents, uspto.gov, available at <https://buff.ly/2P7yYJp>

Copyright Basics (Circular 1), copyright.gov, available at <https://buff.ly/2UOUvj>

Copyright Alliance, Copyright Basics, available at <https://buff.ly/2l3LMLg>

How to Deal with IP-Related Issues in Transnational Negotiations, iprhelpdesk.eu (White Paper), available at <https://buff.ly/2L5zGI>

What Every Company Should Know about IP Rights When Selling to the US Government, americanbar.org, Landslide (July/Aug. 2017), available at <https://buff.ly/2LpXbr1>

Your Apps Know Where You Were Last Night, and They're Not Keeping It Secret, nytimes.com (Dec. 10, 2018), available at <https://buff.ly/2B4wamx>

The Future of Artificial Intelligence in the Workplace, forbes.com (Jan. 11, 2019), available at <https://buff.ly/2ZM8SAr>

Randy Rieland, *Artificial Intelligence Is Now Used to Predict Crime. But Is It Biased?*, Smithsonian.com (Mar. 5, 2018), available at <https://buff.ly/2lckdhh>

Cyrus Farivar, *How Face ID could be a game-changer for aggressive US border agents*, Arstechnica.com (Oct. 1, 2018), available at <https://buff.ly/2NWTyf6>

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Adam D. Thierer, *The Internet of Things and Wearable Technology: Addressing Privacy and Security Concerns without Derailing Innovation*, 21 Rich. J.L. & Tech 6 (2015), available at <https://buff.ly/2l2pTMy>

Marc Goodman, *Future Crimes, Inside the Digital Underground and the Battle for Our Connected World*, (2015)

Bruce Schneider, *Data and Goliath, the Hidden Battle to Capture Your Data and Control Your World*, (2015)



Digital Photocopiers Loaded with Secrets, CBSnews.com (April 19, 2010), available at <https://buff.ly/2GcVXhX>

Sony Builds Digital Rights Management System on a Blockchain, Coindesk.com (Oct. 15, 2018), available at <https://buff.ly/2UMZg3f>

Wilson Sonsini, Overview of the Patent Landscape in the Blockchain, Cryptocurrency, and Cryptographic Token Space (Oct. 15, 2018), available at <https://buff.ly/2LqAVgz>

National Conference of State Legislatures, NCSL Blockchain State Regulation Tracker, ncsf.org, available at <https://buff.ly/2BXjmzB>

Coinbase tells 13,000 Users It's Sending Their Data to the IRS, Coindesk.com (Feb. 26, 2018), available at <https://buff.ly/2UNfsl7>

Smart Contracts: The Blockchain Technology That Will Replace Lawyers, blockgeeks.com, available at <https://buff.ly/2fHoiAM>
