



The Idea Police

Intellectual property specialty
exists to nurture and safeguard
the creativity of inventors

BY KIMBERLY GENSICKI

Third-year students Josh Berger, left, and Mickey Cooper with law professor John Morgan.

If you go online to buy clothes, you'll likely choose a company that has earned your trust, with a name that's trademarked. Think L.L.Bean. When a pharmaceutical company launches a drug, it's the patent that helps propel the company to financial success. Think Viagra or Lipitor.

And as you flip through the pages of the novel you're reading, there's that little reminder, the tiny © on the title page's flip side that infers, "Don't even think of taking my ideas and weaving them into your own piece."

These are examples of the work done by practitioners of intellectual property law, a concentration in which Quinnipiac's law students may choose to specialize. What fascinates professor John Morgan about the concentration—which at its core recognizes the value of human creativity and inventiveness—is its "tremendous complexity and abstraction."

It's becoming even more complex with an increasingly e-commerce-based economy. "There's significance of the brand identity as a way of reassuring (the customer). I rely on that trade identity. It becomes a means of giving value to the product and source," says Morgan, who heads the concentration.

Patent law is the dominant field in this legal specialty, largely because it operates on an intense examination system whereas copyright law, for example, operates on a simple registration system. On average, it takes two to five years to obtain a patent. Morgan thinks there will be a heightened demand for patent attorneys as the value of intellectual property interests broadens.

With advances in cutting-edge technology, intellectual property law is one of the most demanding areas of the law, says Dale Carlson, a patent attorney and partner with Wiggan and Dana LLP, and a part-time professor of law at Quinnipiac. It's also a growing field subject to much controversy, he notes, with several patent system reform proposals resulting from new areas open to patenting.

Although only about five percent of Quinnipiac's law students focus on intellectual property, a greater percentage of students, often those who plan to practice business law, take core concentration courses.

Third-year law student Mickey Cooper was drawn to the concentration because it gives him an opportunity to use his bachelor's in biology. He passed the patent bar exam last fall and is a full-time patent agent at the Fairfield firm Ryan, Mason & Lewis, LLP, where he'll practice as an attorney after graduation.

"I enjoy dealing with the technical aspects of biology and biochemistry. Also, I enjoy the fact that I'm dealing with inventors who are smart, very interesting people."

Third-year student Josh Berger, president of the school's Student Bar Association, sees value in the intellectual property courses he has taken in preparation for the corporate world. He questions, for example, the extent to which software companies can delve into a person's computer use for tracking information. "Laws will need to be developed because the Internet is not only affecting the corporate world but also our everyday lives," regarding privacy and trademark infringement issues, says Berger.

For practical experience, both students took advantage of Quinnipiac's externship program, which offers up to six credits. Students are encouraged to pursue externships to expose themselves to "almost any legal practice setting a student could imagine," says Cindy Slane, assistant clinical professor and director of field placement.

Externships are available to students after the first year of law school, unlike most states, which permit them only during the third year. "Most (law) schools offer externships, but we have what most people think is the Cadillac model of externships," notes Slane. Companies that host Quinnipiac law students in intellectual property externships include Zotos

International, a hair-care products company; World Wrestling Entertainment; MTV Networks; and Phototronics Inc.

In addition to protecting ideas, Morgan says, "The expectation is that by practicing law, we encourage individuals to invest time and effort to create and invent."

The ABCs of intellectual property law

- Trade secret—Information not generally known that gives a business a competitive advantage. Example: the secret recipe for Bush's baked beans.
- Patent—A right a party has to an idea; an invention that is new, useful and non-obvious and has been successfully processed through the U.S. Patent and Trademark Office. Example: There is a patent on Lipitor, a cholesterol-lowering drug.
- Copyright—Protection that extends to an original work of authorship that is in a tangible medium of expression (e.g., a book or magazine article); copyright registration is not needed to obtain this right.
- Trademark—Protects words or symbols used to identify the source of goods or services. Example: the name L.L.Bean.

The ideal intellectual property law candidate has a technical background because patent law frequently involves new products, tools and medicines. It's often very detail-oriented and requires creativity. Undergraduate degrees in engineering or biology are common.