

2005

# COMPUTER AND TECHNOLOGY LAW CONFERENCE

LICENSING, OPEN SOURCE, REVERSE ENGINEERING, AND MORE...

Earn up to 14.75 Hours of Credit Including .75 Hours of Ethics Credit



June 8\*, 9-10, 2005

\*Special Wednesday Evening Session on Software Licensing

Four Seasons Hotel

Austin, Texas

Video Replay

August 11-12, 2005

Moody Gardens Resort

Galveston, Texas

# 2005 COMPUTER AND TECHNOLOGY LAW CONFERENCE

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## WEDNESDAY EVENING, JUNE 8, 2005

Available live at no charge in Austin.  
Galveston registrants - Free DVD of session.

6:00 p.m. 2.00 hrs

### Software Licensing - Austin Only

This session will unveil the classic concepts and clauses used in typical license agreements. Through an interactive format, the presenters will discuss the classic pitfalls in negotiating license agreements, help you identify your options in the negotiation of important issues, and analyze the risks and advantages of each.

Edward A. Cavazos, Austin  
Keith E. Witek, Austin

8:00 p.m. Adjourn

## THURSDAY MORNING, JUNE 9, 2005

Presiding Officer: Daniel J. Brennan

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. .50 hr

### Legal Liability for Computer Viruses and Security Flaws

An examination of the legal dangers companies face from computer security flaws and what they can do to limit their liability.

Christopher Wolf, Washington, DC

9:30 a.m. .75 hr

### Customer Data Privacy Issues: U.S. and International

An overview of customer data privacy issues and strategies for compliance and risk avoidance in the U.S. (Security breach notice after Choicepoint, ID theft, phishing, and vendor transactions) and internationally (EU directive, safe harbor and outsourcing transactions involving customer data).

Susan L. Lyon, Austin  
Carolyn J. Radabaugh, Austin

10:15 a.m. Break

10:30 a.m. 1.33 hrs

### DMCA and Copyright

A discussion about the myriad recent developments in digital copyright law, including the *Grokster* case and its impact on technology companies.

Mark A. Lemley, Stanford, CA  
R. Anthony Reese, Austin (invited)  
David G. Swenson, Waco

11:50 a.m.

### Box Lunch Presentation

Included with registration.

e-Voting 1.00 hr

A luncheon debate on the issue of e-Voting.

Jennifer Stisa Granick, Stanford, CA  
Ann McGeehan, Austin

## THURSDAY AFTERNOON

Presiding Officer: Robert L. King

1:20 p.m. .50 hr

### Technology Transfer Toolkit

A discussion of current hot button issues in corporate transactions involving technology assets, with special attention to representative agreements, forms and provisions. Topics covered include: frequently negotiated issues in acquisitions of technology and intellectual property through mergers, asset purchases, and strategic investments; joint development and other collaborative agreements; and noncompetition covenants and confidentiality agreements.

Christopher T. Brown, Austin

1:50 p.m. .50 hr

### Legal Protection of Software

A discussion of the roles and strategic use of various legal tools to protect software, including limitations on reverse engineering.

Garland T. Stephens, Houston

2:20 p.m. .50 hr

### Employees, Trade Secrets and Intellectual Property: Pro-Active Planning to Identify and Keep Key Intellectual Property

This presentation discusses legal and practical steps that employers can take to maintain the "trade secret" nature of their intellectual property, as well as methods by which employers can insure that the intellectual property is not used by its employees or others without the company's permission.

Brian S. Greig, Austin

2:50 p.m. Break

3:05 p.m. .50 hr

### Recent Developments in Internet Trademark Law

Learn the latest developments in Internet trademark law, including recent court decisions on keyword advertising in the U.S. and Europe.

Rose A. Hagan, Mountain View, CA

3:35 p.m. .50 hr

### The Enforceability of Online Agreements

When users click "I Agree" are they bound by the terms of the contract? What if the user isn't even asked to acknowledge the existence of an agreement? This session explores the courts' view of online contracts and provides practical tips for improving the enforceability of such agreements.

William D. Wiese, Austin

4:05 p.m. 1.25 hr

### Open Source: Due Diligence and Drafting—A Practical Guide to Working With Open Source

The session will cover best practices and practice tips on assessing open source compliance in mergers, acquisitions, and financings, as well as inbound licensing deals. We will discuss the common pitfalls and misconceptions of open source, so you can differentiate the true trouble spots and background risks of dealing with this valuable source of low-cost assets.

Karen Faulds Copenhaver, Waltham, MA  
Heather J. Meeker, Palo Alto, CA

5:20 p.m. Adjourn to Reception

### Sponsored by:

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Haynes & Boone, LLP

Vinson & Elkins L.L.P.

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## FRIDAY MORNING, JUNE 10, 2005

Presiding Officer: Diana K. Borden

8:00 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .50 hr

### Cyber Torts

What's new in computer torts? A survey of statutory and common law legal theories and defenses when strangers cause online harm, with a focus on civil claims and remedies, including the federal Computer Fraud and Abuse Act, the Electronic Communications Privacy Act, state statutory remedies and the common law of negligence, trespass and nuisance.

Peter D. Kennedy, Austin

9:00 a.m. .67 hr

### Spyware: Exploit Code, Drive-by Downloads, and Anonymous Profiling—Oh My!

During this session, two presenters (one technical and one legal) will discuss various spyware technologies, techniques that may be used to investigate them, and the host of legal issues surrounding spyware.

Jeffrey R. Bedser, Princeton, NJ  
W. Reid Wittliff, Austin

9:40 a.m. .50 hr

### When Do Corporate Marketing Activities Become SPAM

There is no bright line between mass emails from large companies to their customers and SPAM. This presentation will focus on the current state of the CAN SPAM Act, local anti-SPAM enforcement, and why mass emails may really be SPAM.

Karl L. Larson, Dallas

10:10 a.m. .75 hr

### The FTC and Developments in Internet Marketing

This presentation will discuss recent FTC law enforcement, regulation, and other activities related to spam, spyware, peer-to-peer file sharing, and RFID.

Thomas B. Pahl, Federal Trade Commission, Washington, DC

10:55 a.m. Break

11:10 a.m. .75 hr ethics

### Malpractice Issues in the Technology Sector

This presentation will discuss computers, e-mails, attorney-client privilege, malpractice and the brave new world.

Thomas H. Watkins, Austin

11:55 a.m. .50 hr

### Reverse Engineering of Software

A practical discussion of copyright and licensing provisions, interoperability issues, and updates on latest case law.

Steven R. Borgman, Houston

12:25 p.m. Lunch on Your Own

## FRIDAY AFTERNOON

Presiding Officer: Michael P. Adams

1:40 p.m. .75 hr

### Global Productization: Navigating the Legal, Regulatory and Cultural Barriers of Overseas Markets

Issues, strategies and solutions: follow an actual product launch from conception to revenue.

Gino Giannotti, Austin  
Keith E. Witek, Austin

2:25 p.m. 1.00 hr

### Managing Outsourcing: Law, Business, HR and Economics

Whether it's Beijing or Bangalore, companies considering moving technology development offshore need to analyze the cost benefits of such a move including legal, business and HR considerations. This session provides real world examples including actual cost benefits of outsourcing.

Stacey Smotherman, Austin  
Michele Barbero Thompson, Austin

3:25 p.m. Adjourn

Mail this registration form or fax a copy to: (512) 475-6876

## REGISTRATION FOR PC05

The University of Texas School of Law • Office of Continuing Legal Education  
Attn: PC05 • Post Office Box 7759 • Austin TX 78713-7759

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Assistant's Email (optional) \_\_\_\_\_

Invoices, confirmations and receipts are emailed to these addresses.

### REGISTRATION

*Includes Course Binder and Thursday Box Lunch*

☐ Austin - Early Registration Fee due by Wed., June 1, 2005 ..... \$425.00

☐ Austin - Registration Fee after Wed., June 1, 2005 ..... \$475.00

☐ Video Replay - Moody Gardens Galveston Aug. 11-12 ..... \$295.00

### CONFERENCE PUBLICATIONS AND MEDIA

*Allow 2-4 weeks from conference date for delivery.*

☐ Course Binder Without Conference Registration ..... \$200.00

☐ Audio CD Set ..... \$175.00

☐ eBinder on CD (PDF format) ..... \$200.00/\$50.00  
(\$200 purchased alone, \$50 with registration or purchase of Course Binder or Audio CD Set)

☐ DVD Set: Includes all conference sessions plus eBinder ..... \$225.00

### GROUP CLE: Bring the conference in-house and learn at your convenience.

*Allow 2-4 weeks from the conference date for delivery.*

☐ Group CLE for 2—Includes DVD Set and Course Binder ..... \$800.00

\_\_\_\_\_ Add participants (includes Course Binder) for \$150 each ..... \$ \_\_\_\_\_

TOTAL ENCLOSED ..... \$ \_\_\_\_\_

### METHOD OF PAYMENT

☐ Check (make checks payable to: The University of Texas at Austin)

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## AUSTIN

June 8\*, 9-10, 2005

### CONFERENCE LOCATION



**Four Seasons Hotel**  
98 San Jacinto  
Austin, TX 78701  
512-685-8100

\$185 (subject to availability) good  
through **May 18, 2005**

Parking: \$6 self-parking; \$10 valet  
(subject to change)

### KEY DATES

#### Registration and Cancellation

**June 1, 2005, 5 p.m.**

•**last day for early registration**  
add \$50 for registrations  
received after this time

**June 3, 2005, 5 p.m.**

•**last day for full refund**

**June 6, 2005, 5 p.m.**

(Monday before conference)  
•**last day for partial refunds**  
\$50 processing fee applied

## VIDEO REPLAY GALVESTON

August 11-12, 2005



**Moody Gardens Resort**  
1-888-388-8484

\$132 Special Rate  
Good through July 20, 2005

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2005

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