

# **California Passes New Data Brokering Law**

News Update 10.22.19

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# **California Prepares for Approaching Deadline of CCPA Effective Date**

News Update 10.17.19

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# **News Update on Australia's Anti-Encryption Law**

News Update 1.8.19

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# **What SaaS Companies Need to**

# **Know about Source Code Escrow Agreements**

If you run a SaaS company, you may come across a negotiation where a prospective customer or business partner insists on the inclusion of source code escrow in the deal terms. However, the traditional source code escrow product is unlikely to provide the protections that your prospective customer or business partner is seeking. The Silicon Valley Software Law Blog addresses the issue of source code escrow products designed for SaaS products and what SaaS companies need to know about them in the following blogpost:

<http://www.siliconvalleysoftwarelaw.com/what-saas-companies-need-to-know-about-source-code-escrow-agreements/>

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## **News Update on California's Enactment of Landmark Data Privacy Law**

News Update 6.29.18

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## **In the Aftermath of GDPR,**

# California Passes Consumer Privacy Act of 2018

Software companies are still taking steps to comply with the European Union's General Data Privacy Regulation ("GDPR"), which just recently went into effect, but they now are facing the prospect of having to comply with a law closer to home: California's New Consumer Privacy Act of 2018. The Silicon Valley Software Law Blog discusses this development at the following blogpost:

<http://www.siliconvalleysoftwarelaw.com/in-aftermath-of-gdpr-california-passes-consumer-privacy-act-of-2018/>

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## News Update on California Supreme Court Ruling Establishing New Independent Contractor Test

News Update 5.3.18

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## California Supreme Court

# **Ruling To Have Long Term Impact on Silicon Valley Reliance on Gig Workers**

If your Silicon Valley company relies on Gig workers as part of its business model, then the California Supreme Court's ruling is likely to have significant consequences for your business. The Silicon Valley Software Law Blog discusses this ruling at the following blogpost:

<http://www.siliconvalleysoftwarelaw.com/california-supreme-court-strikes-blow-to-software-industry-reliance-on-gig-workers/>

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# **News Update on the U.S. Supreme Court Decision Affirming the Constitutionality of Inter Partes Reviews**

News Update 4.25.18

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# **News Update on California Legislature Considering Passage of SB 822 to Restore Net Neutrality**

News Update on SB 822

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# **News Update Regarding Challenge to the EU-U.S. Privacy Shield Framework**

News Update

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# **News Update on Recent Webcast by Kristie Prinz: “Drafting Software Agreements for ASP & SaaS Hosting”**

Drafting Software Hosting Agreements for ASP & SaaS Hosting

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# California Contemplates Passage of State Net Neutrality Bill

With the impending repeal of net neutrality at the federal level, California is currently considering the passage of a net neutrality bill to restore net neutrality at the statewide level. The Silicon Valley Software Law Blog discusses the proposed bill at the following blogpost:

<http://www.siliconvalleysoftwarelaw.com/california-to-consider-bill-that-restores-net-neutrality/>

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# European Court to Hear Challenge to Privacy Shield: Will the Framework Survive Court Review?

If your software company has pursued Privacy Shield certification and is relying on the certification to comply with EU data privacy regulations, then you will be interested to know that a challenge to the framework is to be heard by a European High Court. The Silicon Valley Software Law Blog has addressed this development and what it may mean for the Privacy Shield framework in the following blog post:

<http://www.siliconvalleysoftwarelaw.com/irish-court-has-referred-case-to-european-court-which-challenges-privacy-shield-will-the-eu-u-s-privacy-shield-framework-withstand-scrutiny-by-the-european-high-court/>

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## **What Software Companies Need to Know about the GDPR**

The European Union's General Data Protection Regulation (the "GDPR") will go into effect on May 25, 2018. In case you are not up to speed on the law already, what do you need to know about it before it goes into effect? The Silicon Valley Software Law Blog addressed the highlights of the regulation in the following blogpost

[:http://www.siliconvalleysoftwarelaw.com/what-software-companies-need-to-know-about-the-eu-general-data-protection-regulation/](http://www.siliconvalleysoftwarelaw.com/what-software-companies-need-to-know-about-the-eu-general-data-protection-regulation/)

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## **Six Signs You Are Reviewing a Poorly Written Software Contract**

How do you identify a poorly written software contract, whether it is supposed to be a software license, a SaaS contract, or another type of agreement? Firm Founder Kristie

Prinz provides tips on how to identify bad software contracts in the following Silicon Valley Software Law Blog post:

<http://www.siliconvalleysoftwarelaw.com/signs-you-are-reviewing-a-poorly-written-software-contract>

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## **Bipartisan Bill Introduced in Senate that Seeks to Prevent Attacks on American Cyber-Networks**

The “PATCH Act of 2017” has just been introduced in the Senate, which would require government agencies to submit security holes in software products they identify for independent review in order to determine any vulnerabilities that need to be addressed. For more information on the bill, please check out the Silicon Valley Software Law Blog posting on the story:

<http://www.siliconvalleysoftwarelaw.com/bipartisan-bill-introduced-in-senate-that-seeks-to-prevent-attacks-of-american-cyber-networks/>.

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## **BiPartisan Bill Introduced in**



# Senate that Seeks to Prevent Attacks on American Cyber-Networks

The “Protecting Our Ability to Counter Hacking Act of 2017” or “PATCH Act of 2017” has just been introduced in the Senate. For more background on the bill, please check out this Silicon Valley Software Law Blog post:

<http://www.siliconvalleysoftwarelaw.com/bipartisan-bill-introduced-in-senate-that-seeks-to-prevent-attacks-of-american-cyber-networks/>

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# Negotiating the Purchase of SaaS Company Assets: Key Problems to Consider in Any Deal

If you are like many SaaS companies I see, if you are approached with an asset purchase that interests you, you will be in a hurry to get the deal closed. However, before you move forward, you should want to give the deal serious consideration. What are some of the concerns you should have? The Silicon Valley Software Law Blog addresses these issues in the following blog post:<http://www.siliconvalleysoftwarelaw.com/negotiating-the-purchase-of-saas-company-assets-key-problems-to-anticipate-in-any-deal/>

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# **Investigation Reportedly Launched by Department of Justice into Uber's Use of "Greyball" Software**

The Department of Justice has launched an investigation into Uber's use of the Greyball software program. For more information on the investigation, please check out the following Silicon Valley Software Law Blog posting on the story:

<http://www.siliconvalleysoftwarelaw.com/investigation-reportedly-launched-by-department-of-justice-into-ubers-use-of-greyball-software/>

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# **Common Software Fee Drafting Problems and How to Fix Them**

A common problem in software and SaaS agreements is that the fee terms in the contract make no sense. Why is this the case and how do you fix the terms? The Silicon Valley Software Law Blog addresses this issue in the following posting:

<http://www.siliconvalleysoftwarelaw.com/common-software-agreem>

# **Does Your Customer Software License or SaaS Agreement Leave Your Company Vulnerable to a Dispute Over Implementation?**

If your company is like most in the software space, your product requires some sort of initial set-up and configuration for customers that in an enterprise scenario can require a significant investment of time and resources. However, many software contracts are silent regarding what is involved in this initial phase of a business relationship, which results in many disputes. The Silicon Valley Software Law Blog discusses this issue in the following blogpost:

<http://www.siliconvalleysoftwarelaw.com/does-your-customer-software-license-or-saas-agreement-leave-your-software-company-vulnerable-to-a-legal-dispute-over-implementation/>

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## **Could a Software Developer**

# **Whose Code is Used for Hacking be Convicted of a Crime?**

If you are a developer and you develop code that hackers then use to commit crimes, then you may be at risk for criminal prosecution. Could prosecution of developers for code used by hackers be a new trend in law enforcement? For more information on the risks to software developers, please check out this Silicon Valley Software Law Blog posting:

<http://www.siliconvalleysoftwarelaw.com/could-a-software-developer-whose-code-is-used-for-hacking-be-convicted-of-a-crime/>

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# **Service Level Agreements: What is a Service Level Agreement or “SLA” and When Do You Need One?**

If you are in the software industry, you probably have heard of a “service level agreement” or “SLA” but do you really understand what a service level agreement is or why you might need one? The Silicon Valley Software Law Blog addresses this issue in the following blogpost:

<http://www.siliconvalleysoftwarelaw.com/service-level-agreements-what-is-a-service-level-agreement-or-sla-and-when-do-you-need-one/>

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# **Recent Class Actions Provide Valuable Lesson on Why SaaS Contracts Should Be Drafted to Fit A Company's Business Model**

If your company is like most, you may be using a software agreement that has nothing to do with your company's business practices or business model. Why is this a bad idea? Well, several recent class action suits provide a recent example of why this can be very problematic for a software company. The Silicon Valley Software Law Blog addresses this issue in the following blogpost:

<http://www.siliconvalleysoftwarelaw.com/recent-software-class-actions-provide-valuable-lesson-on-why-saas-contracts-should-be-drafted-to-fit-companys-business-model/>

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# **Recent FTC Enforcement Actions Should Serve as a Warning to Software Industry**

# Regarding Privacy Practices

If your company is like most and you have given little or no thought to your company's privacy policy while also collecting data and looking for ways to monetize it, then you may want to rethink how you are operating in light of recent enforcement actions by the FTC in the user data space. The Silicon Valley Software Law Blog addressed these developments in the following blogpost:

<http://www.siliconvalleysoftwarelaw.com/recent-ftc-enforcement-actions-should-serve-as-warning-to-software-industry-about-privacy-practices/>

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## US Navy Responds to Copyright Infringement Suit Filed by Bitmanagement Software

Bitmanagement Software GmbH has filed suit against the US Navy alleging willful copyright infringement of its 3D virtual reality software "BS Contact Geo" and demanding \$600 million in damages. The Silicon Valley Software Law Blog discussed this and the issues likely involved in the dispute in the following blogpost:

<http://www.siliconvalleysoftwarelaw.com/us-navy-responds-to-copyright-infringement-suit-filed-by-bitmanagement-software/>

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# **Takeaways for Software Industry on the Cost of Data Breach**

If you are a cloud service provider or a software provider who offers maintenance services to enterprise-level companies, then your company has likely had occasion to negotiate indemnification clauses related to data breaches. Moreover, your company has probably had to provide warranties around data security or employee bad acts that would provide some protections to your customers in the event of a data breach. But have you ever considered what the cost of a possible data breach might really be for your company? The Silicon Valley Software Law Blog addresses this issue in the following blogpost:

<http://www.siliconvalleysoftwarelaw.com/takeaways-for-software-industry-from-new-study-on-costs-of-data-breach/>

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## **HP Launches New Digital Rights Management Software Controversy with Security**

# Update Downloads

HP has set off a new DRM software controversy over printer cartridges with a recent security update to HP printers, which made third party printer cartridges no longer compatible with their printers. The Silicon Valley Software Law Blog explores the controversy and suggests that new litigation over DRM software could be on the horizon in the following blogpost:

*Digital Rights Management Software and the Printer Hardware Business*

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## FTC Announces Order Against San Francisco Software Company

The FTC has issued an order against a San Francisco software company for deceptive and misleading trade practices with respect to the distribution of the software product and with respect to advertising and promotions related to the software product. The Silicon Valley Software Law Blog has provided a brief summary of the complaint and the order issued by the FTC in the following blogpost:

<http://www.siliconvalleysoftwarelaw.com/ftc-announces-approval-of-final-order-in-deceptive-app-case-against-vulcan>



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# **Defend Trade Secrets Act Augments Silicon Valley Companies' Tools to Protect Trade Secrets**

If your company is like most technology companies, trade secrets comprise the bulk of your intellectual property and you have probably long been frustrated with the minimal resources available to you to protect them from misappropriation. Congress has just taken action to assist your effort by passing the Defend Trade Secrets Act of 2016. The Silicon Valley IP Licensing Law Blog explores the significance of the new law in the following blogpost:

<http://www.siliconvalleyiplicensinglaw.com/passage-of-defend-trade-secrets-act-provides-silicon-valley-companies-new-trade-secret-enforcement-tools/>

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# **Should Your Software Company Be Concerned about Product ADA Compliance?**

If your software company is like most, it may have considered whether the office space it was leasing was compliant with the Americans with Disabilities Act ("ADA") prior to signing the

lease, but the idea that the products the company was selling might not be ADA compliant has never been contemplated by anyone. However, now may be a good time to give the issue some serious consideration, as the Silicon Valley Software Law Blog explains in the following blogpost:

## **Should Your Software Company Be Concerned about Product ADA Compliance?**

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## **Microsoft Launches New Constitutional Challenge Against Alleged Federal Government Searches of Customer Data in Cloud**

Microsoft has just launched a constitutional challenge against the federal government over its use of indefinite gag orders when the government subpoenas information from customer cloud account. The action was clearly timed to capitalize on public sentiment against the government for its perceived intrusion on privacy rights in the recent action against Apple regarding the encryption of the San Bernardino terrorist smartphone. The Silicon Valley Software Law Blog further explores this development in the blogpost linked below:

<http://www.siliconvalleysoftwarelaw.com/microsoft-launches-new-constitutional-challenge-against-government-over-secret-data-requests>

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## **Third Party Successfully Unlocks Terrorist iPhone, ending Government Encryption Case Against Apple**

The U.S. Justice Department has announced that the third party who came forward and convinced the FBI that it could unlock the San Bernardino terrorist's encrypted iPhone successfully unlocked the encrypted iPhone, ending the standoff between Apple and the FBI. The Silicon Valley Software Law Blog addressed the developments in this fight between the U.S. Government and Apple in the following blogpost:

<http://www.siliconvalleysoftwarelaw.com/third-party-hacks-san-bernardino-terrorist-iphone-ending-standoff-between-apple-and-fbi>.

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## **Government Signals Possible**

# Reversal of Course on Apple Litigation

The Department of Justice signaled today that it may be rethinking moving forward with the Apple litigation over the iPhone encryption issue, canceling a hearing scheduled for tomorrow in order to explore a possible new method that had come to light for unlocking the terrorist iPhone that has sparked the dispute. The Silicon Valley Software Law Blog further explored today's developments in the following blogpost:

<http://www.siliconvalleysoftwarelaw.com/government-backtracks-in-dispute-against-apple-over-unlocking-terrorist-iphone>.

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## The Encryption Debate: Will Government or Industry Win?

When the Justice Department decided to wage a legal battle against Apple over encryption on the iPhone of one of San Bernardino terrorists, the government moved the encryption debate into the public arena and triggered a public debate over the issue. Now, it is reported that the government is considering launching a second case over the encryption issue against yet another company. Who will be the ultimate winner in this debate? The Silicon Valley Software Law Blog explores the issues in the following blogpost:

<http://www.siliconvalleysoftwarelaw.com/who-will-ultimately-win-in-the-fbis-standoff-with-the-software-industry>

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# **FTC Signals to Health Software Companies an Intention to Increase Scrutiny over Advertising Claims**

The FTC has just reached a settlement with Lumos Labs over claims that the company was deceptively advertising the health benefits of its Luminosity software program. The FTC's action over this issue should serve as a warning to the health software industry regarding how health software companies are advertising their products. The Silicon Valley Software Law Blog further addressed this matter in the following blog post:

<http://www.siliconvalleysoftwarelaw.com/lumos-labs-case-signals-to-health-software-industry-an-intention-by-the-ftc-to-police-advertising-claims>

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# **Prinz Law Launches New Copyright Meetup Group**

The Silicon Valley Software Law Blog announces the launch of the new copyright meetup group Prinz Law is organizing and provides some additional information about the group in the following blog post:

<http://www.siliconvalleysoftwarelaw.com/prinz-law-launches-new-meetup-group-on-copyright-law-meetup>

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## **The Prinz Law Office Launches New Copyright Law Meetup Group**

The Prinz Law Office has launched a new copyright law meetup group in conjunction with the High Tech Section of the Santa Clara County Bar Association, as is further discussed in the link below:

<http://www.siliconvalleyiplicensinglaw.com/the-prinz-law-office-launches-new-copyright-law-meetup-group/>

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## **SaaS Lawyer Kristie Prinz Invited to Speak at SaaS Contract Negotiation Webinar**

SaaS Lawyer Kristie Prinz has been invited to speak at the upcoming webinar on SaaS Contract Negotiation further described in this link below:

<http://www.siliconvalleysoftwarelaw.com/silicon-valley-software-law-blogger-to-be-featured-at-upcoming-cle-program>.

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# **SaaS Attorney Kristie Prinz Presentation on “Negotiating Software as a Service Contracts”**

SaaS attorney Kristie Prinz recently participated in a webinar on “Negotiating Software as a Service Contracts” with Reed Smith’s Kelley Miller. A recording of that presentation can be accessed through the link attached below:

<http://www.siliconvalleysoftwarelaw.com/recorded-webinar-of-negotiating-software-as-a-services-contracts>

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## **SaaS Lawyer Kristie Prinz to**

# Speak on SaaS Contract Negotiation at Upcoming Webinar

SaaS Lawyer Kristie Prinz has agreed to speak at an upcoming webinar for the Arlington, Virginia-based Clear Law Institute on Monday, November 2nd at 10 a.m. PST/1 p.m. EDT as further discussed in this link:

<http://www.siliconvalleysoftwarelaw.com/silicon-valley-software-law-blog-author-to-be-featured-at-upcoming-saas-webinar>

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# Software Industry Considers Consequences of Supreme Court Decision on Patent Validity Defense to Claim of Induced Infringement

The U.S. Supreme Court has just issued an opinion in the *Commil vs. Cisco Systems* case, prompting members of the software industry to consider how the ruling will impact member software companies, as we further explored in our recent Silicon Valley Software Law Blog Posting:

<http://www.siliconvalleysoftwarelaw.com/silicon-valley-software-industry-considers-impact-of-supreme-court-decision-on-patent-invalidity-defense-to-claim-of-induced-infringement>



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# Supreme Court Decision Reached on Case Dealing with Patent Invalidity Defense to Induced Patent Infringement

The U.S. Supreme Court has issued an opinion in the case of *Commil USA v. Cisco Systems* finding that patent invalidity is no defense to a claim of induced infringement. The Court's decision is discussed in the following blog posting by the Silicon Valley IP Licensing Law Blog:

<http://www.siliconvalleyiplicensinglaw.com/supreme-court-rules-patent-invalidity-is-not-a-defense-to-induced-patent-infringement-claim-in-commil-usa-case-against-cisco-systems/>

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# Taking Time to Date Before Pursuing an IP Acquisition “Marriage”

How do you choose the right acquisition partner? The Silicon Valley IP Licensing Law Blog evaluated this issue in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/taking-time-to-date-before-pursuing-an-ip-acquisition-marriage/>

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## **Should You Follow This Start-up's Lead if Approached by a Patent Troll?**

Should you take a combative approach if approached by a patent troll? The Silicon Valley IP Licensing Law Blog evaluates the response by one start-up in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/should-you-follow-the-advice-of-this-start-up-if-approached-with-a-demand-letter-by-a-so-called-patent-troll/>

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## **Senate Cybersecurity Bill May Increase Government Surveillance Pressures on Cloud Companies**

Privacy groups have voiced concerns about the Senate Intelligence Committee's recent introduction of a cybersecurity bill, as was further explored by the firm in the following Silicon Valley Software Law Blog posting linked below:

<http://www.siliconvalleysoftwarelaw.com/new-senate-cybersecurity-bill-may-expand-government-surveillance-pressures-on-cloud-companies>

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## **Congress Considers Copyright Reform Bill**

Copyright reform is back on the table in Congress, as the Silicon Valley IP Licensing Law Blog discussed in its recent blogpost:

<http://www.siliconvalleyiplicensinglaw.com/copyright-reform-on-the-table-in-congress-songwriter-equity-act-of-2015-introduced-in-the-house-of-representatives/>.

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## **Lessons from the Copyright Infringement Verdict Against Robin Thicke and Pharrell Williams**

The Silicon Valley IP Licensing Law Blog recently looked at the copyright infringement verdict against Robin Thicke and Pharrell Williams and explored some of the lessons to be taken away from the verdict in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/lessons-from-the-co>

# **Pitfalls in Negotiating and Drafting Exclusive Licensing Deals: Lessons from Macy's Dispute with JcPenneys over the Martha Stewart Product Line**

Entering into an exclusive licensing deal can be a business decision that you may live to regret, as the Silicon Valley IP Licensing Law Blog explored in the case of the dispute between Macy's and JcPenneys over the Martha Stuart product line in the link below:

<http://www.siliconvalleyiplicensinglaw.com/pitfalls-in-negotiating-and-drafting-exclusive-licensing-deals-lessons-from-macys-dispute-with-jcpenneys-over-its-martha-stewart-product-line/>

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# How to Choose Your Start-up's Name

What issues should you consider when choosing the name of your start-up? The Silicon Valley IP Licensing Law Blog looked at this issue in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/practical-tips-on-choosing-your-start-ups-name/>

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# Software Companies Consider Impact of FCC Decision on Net Neutrality

The Federal Communications Commission ("FCC") recently adopted rules on the issue of net neutrality. The Silicon Valley Software Law Blog looked at the recently decision and contemplated the impact in the link posted below:

<http://www.siliconvalleysoftwarelaw.com/fcc-decision-on-net-neutrality-what-does-this-mean-for-the-software-industry>

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# Distinguishing Between the Software License and the SaaS Contract

The Silicon Valley Software Law Blog looked at what the differences are between the software license and the SaaS contract models in a recent blog posting linked below:

<http://www.siliconvalleysoftwarelaw.com/software-licensing-vs-software-as-a-service-saas-the-importance-of-the-technology-model-to-contract-drafting>

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## World Trademark Review Interviews Silicon Valley Trademark Lawyer Kristie Prinz

The World Trademark Review recently interviewed Silicon Valley Trademark Lawyer Kristie Prinz. A blog post linking to the story is below:

<http://www.siliconvalleyiplicensinglaw.com/recent-interview-kristie-prinz-for-world-trademark-review/>

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# Report Claims that Most Apps Fail to Protect Users' Privacy

Do most apps on the market fail in provider users' with basic privacy protections?

As the Silicon Valley Software Law Blog reported in a recent blog posting, a recent study suggests that this is in fact a common problem in the software industry, as further discussed in the link below:

<http://www.siliconvalleysoftwarelaw.com/report-reveals-that-the-majority-of-apps-on-market-ignore-privacy-concerns>

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# Challenges of Negotiating Licenses with Start-ups

What are some of the challenges in negotiating a license with a start-up? The Silicon Valley IP Licensing Law Blog recently explored this issue in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/challenges-of-negotiating-a-licensing-deal-with-a-start-up/>

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# California Adopts Smartphone Killswitch Law

California has adopted a law that require smartphones sold in the state to have smartphone kill settings enabled as the default settings on the phone. The Silicon Valley Software Law Blog explores the impact of this legislation in the link set forth below:

<http://www.siliconvalleysoftwarelaw.com/california-adopts-smartphone-kill-switch-law>

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# California notifies App-based Ride Service Uber and Competitors that Service is Illegal

The state of California has notified Uber, Lyft, and Sidecar that their services are illegal under California law, as further discussed by the Silicon Valley Software Law Blog in the post below:

<http://www.siliconvalleysoftwarelaw.com/california-notifies-app-based-ride-service-uber-and-competitors-that-service-is-illegal>



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# How to Manage Intellectual Property Disputes as a Start-up

How do you manage intellectual property disputes as a start-up with limited resources? The Silicon Valley IP Licensing Law Blog explored this issue in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/successfully-managing-intellectual-property-disputes-as-an-early-stage-start-up/>

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# California Governor Signs Law Prohibiting Nondisparagement Clauses in Consumer Contracts

California has adopted a law prohibiting nondisparagement clauses in consumer contracts, as the Silicon Valley Software Law Blog explored in the blog post linked below:

<http://www.siliconvalleysoftwarelaw.com/california-governor-signs-bill-prohibiting-nondisparagement-clauses-in-consumer-contracts>

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# **Google Settles with FTC over In-App Purchases Made by Children**

The Federal Trade Commission has announced that Google has agreed to refund customers' unauthorized in-app purchases made by their children in the Google Play Store, as the Silicon Valley Software Law Blog discussed in its recent blog posting attached below:

<http://www.siliconvalleysoftwarelaw.com/ftc-settlement-with-google-to-require-refund-of-unauthorized-in-app-charges>

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# **Trademark Commissioner Resigns over Allegations of Nepotism Law Violations**

Trademark Commissioner Deborah Cohn recently resigned after a controversy arose over allegations of a nepotism law violation, as was reported by the Silicon Valley IP Licensing Law Blog in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/trademark-commissioner-resigns-over-allegations-of-nepotism-law-violations/>

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# **Getty Images Copyright Dispute Against Microsoft to Challenge Legality of Recently Released Widget**

Getty Images recently initiated litigation against Microsoft, alleging that its new widget was resulting in the infringement of its copyrights, as was further discussed by the Silicon Valley IP Licensing Law Blog in its recent blog post:

<http://www.siliconvalleyiplicensinglaw.com/getty-images-copyright-dispute-against-microsoft-to-challenge-legality-of-recently-released-widget/>

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# **Twitpic's Abrupt Announcement to Shut Down over Trademark Dispute: Convenient Excuse or Full Story?**

Twitpic has announced that it will be shutting down over a trademark dispute with Twitter regarding the use of the name "twitpic." The Silicon Valley IP Licensing Law Blog looked at this issue and questioned whether the reasons for the shutdown in the attached blog post:

<http://www.siliconvalleyiplicensinglaw.com/twitpics-abrupt-announcement-to-shut-down-over-trademark-dispute-convenient-excuse-or-full-story/>

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## **Landmark Copyright Verdict Against Media Companies**

Freelance photographer Daniel Morel was recently awarded a \$1.2 million damage verdict against Agence France-Presse (“AFP”) and Getty Images after it was found that they willfully infringed Mr. Morel’s photos of the 2010 earthquake in Haiti. The Silicon Valley IP Licensing Law Blog discussed this case in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/landmark-copyright-verdict-against-media-companies-serves-as-cautionary-tale-to-all/>

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## **Supreme Court Ruling on Who Bears the Burden of Proving Infringement in a Licensing**

# Dispute

The Supreme Court has held that a patent owner has the burden of proving infringement when the licensee files a declaratory judgment action in a patent licensing dispute in the case of *Medtronic Inc. v. Mirowski Family Ventures, LLC*, as was further discussed by the Silicon Valley IP Licensing Law Blog in the following link:

<http://www.siliconvalleyiplicensinglaw.com/supreme-court-rules-that-patent-owner-bears/>

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# Avoiding Marketing Traps Around Milestone Events

Marketing around big events could result in a trademark dispute, as the Silicon IP Licensing Law Blog discussed in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/steering-clear-of-marketing-traps-around-milestone-events/>

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# Supreme Court to Hear Streaming TV Case

The Supreme Court has agreed to hear the Aereo streaming TV case, as is further discussed by the Silicon Valley IP

Licensing Law Blog in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/supreme-court-to-hear-streaming-tv-over-the-internet-case/>

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## **Google Settles with Book Publishers in Copyright Infringement Dispute**

Google has reached a settlement with several major American publishing companies, including but not limited to McGraw-Hill, Pearson Education and Penguin, John Wiley & Sons and Simon & Schuster in a copyright infringement case challenging Google's decision to scan the book collections of many major universities. The Silicon Valley IP Licensing Law Blog looks at this case in a recent blog post linked below:

<http://www.siliconvalleyiplicensinglaw.com/google-reaches-settlement-with-book-publishers/>

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## **Copyright Office Seeking Comments to Proposed Change**

# **in Small Claims Remedies**

Should there be small claims remedies to copyright infringement? Congress has asked the Copyright Office to conduct a study on this issue, as is further discussed by the Silicon Valley IP Licensing Law Blog in a recent blog post:

<http://www.siliconvalleyiplicensinglaw.com/copyright-office-seeking-comments-on-possible-change-to-small-claims-remedies/>

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# **\$163 Million Damage Award in Federal Case Against Scareware Software Company and Founders**

The U.S. District Court for the District of Maryland has awarded damages in excess of \$163 million in a FTC case against a “scareware” software company, Innovative Marketing, Inc. and its founders, as further discussed by the Silicon Valley Software Law Blog in the blog post link below:

<http://www.siliconvalleysoftwarelaw.com/federal-court-awards-163-million-judgment-against-scareware-software-company-in-ftc-case>

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# **FTC Proposing New Rules to Protect Children's Online Privacy**

FTC has announced that it is proposing an amendment to the Children's Online Privacy Protection Rule ("COPPA"). The Silicon Valley Software Law Blog discussed the proposed changes as well as the pros and cons of potential implementation in its blog posting linked below:

<http://www.siliconvalleysoftwarelaw.com/ftc-proposing-new-rules-to-protect-childrens-online-privacy>

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# **Google to Factor DMCA Notices into Website Ranking**

Google has announced that it will now be factoring the number of "valid" DMCA notices that it receives on a particular website into how it ranks that website in its search results, as is further discussed by the Silicon Valley IP Licensing Law Blog in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/google-announces-controversial-decision-to-factor-2/>

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# PayPal Advises E-Book Sellers to Remove Certain Content

PayPal has advised e-book sellers that they must remove all erotica content off their websites. The Silicon Valley IP Licensing Law Blog discussed the PayPal decision and the controversy that resulted in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/paypal-launches-new-internet-controversy-over-decision-to-censor-erotica-content-sold-through-platform/>

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# President Obama Announces The Consumer Privacy Bill of Rights

President Obama has announced the Consumer Privacy Bill of Rights initiative, as further discussed by the Silicon Valley Software Law Blog in the following blog post linked here:

<http://www.siliconvalleysoftwarelaw.com/president-obama-unveils-new-consumer-privacy-initiative-the-consumer-privacy-bill-of-rights>

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# **Apple Trademark Dispute With Proview Becomes Global Fight**

Apple's trademark dispute with Proview has become a two-front fight on both the local and international levels, as The Silicon Valley IP Licensing Law Blog explored in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/apple-trademark-dispute-with-proview-becomes-a-global-fight/>

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# **SOPA Blackout Protesters Succeed in Tabling SOPA and PIPA Bills**

SOPA Blackout protesters have succeeded in having tabling SOPA and its companion bill PIPA, as the Silicon Valley IP Licensing Law Blog discussed in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/sopa-blackout-protesters-succeed-in-tabling-sopa-and-pipa-bills/>

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# **Web-Based Companies Evaluate**

# **the OPEN Act Proposed as an Alternative to SOPA**

Is the Online Protection and Enforcement of the Digital Trade Act (“OPEN”) a better alternative to SOPA? The Silicon Valley Software Law Blog explored this question in the blog post linked below:

<http://www.siliconvalleysoftwarelaw.com/is-the-open-act-a-more-viable-alternative-to-sopa>

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# **Lessons for Silicon Valley Companies from Apple Trademark Dispute**

What are the lessons Silicon Valley companies should take away from Apple’s trademark dispute over the use of the mark “iPad” in China? The Silicon Valley IP Licensing Law Blog looks at the dispute and the lessons to be learned from the dispute in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/lessons-for-silicon-valley-companies-in-apple-trademark-dispute/>

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# **IPO Outlook for Biotech Remains Dreary in 2012**

The California Biotech Law Blog reported that the outlook for biotech in 2012 was expected to remain dreary, and that companies would continue to focus on acquisitions over IPOs in the following blog post:

<http://californiabiotechlaw.com/archives/biotech-ipos/ipo-outlook-for-biotech-remains-dreary-in-2012/>

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# **Silicon Valley Prepares for the SOPA Blackout Day Observance**

Silicon Valley is preparing for the observance of SOPA Blackout Day, in which websites are to go black for at least twelve hours, as the Silicon Valley IP Licensing Law Blog explains in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/silicon-valley-sopa-blackout-day/>

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# **SOPA Blackout Day Set to be Observed by Prominent Websites**

A number of prominent websites are set to observe SOPA Blackout Day. The Silicon Valley Software Law Blog discussed the SOPA Blackout controversy in the following blog post linked here:

<http://www.siliconvalleysoftwarelaw.com/websites-set-to-observe-sopa-blackout-day>

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# **Is the Passage of Patent Reform a Win for the Biotech Industry?**

The California Biotech Law Blog looked at the issue of how patent reform would affect the biotech industry in the following blog post link:

<http://californiabiotechlaw.com/archives/biotech-legislative-developments/the-passage-of-patent-reform-is-this-really-a-win-for-the-biotech-industry/>

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# What does Patent Reform Mean for Silicon Valley?

The Silicon Valley IP Licensing Law Blog discussed the passage of the Patent Reform Bill and explored its significance to Silicon Valley in the following blog post link below:

<http://www.siliconvalleyiplicensinglaw.com/what-does-patent-reform-mean-for-silicon-valley-entrepreneurs/>

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# Apple to Begin Enforcing Royalty on Direct Sales of Applications Sold on App Store

Apple has signaled its intention to step up its enforcement of its royalty on direct sales of apps being sold on the App Store, as the Silicon Valley Software Law Blog explained in its blog post linked below:

<http://www.siliconvalleysoftwarelaw.com/apple-signals-new-enforcement-strategy-to-companies-distributing-applications-at-the-app-store>

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# **The Prinz Law Office Launches the Silicon Valley Software Law Blog**

The Prinz Law Office announced the launch of the Silicon Valley Software Law Blog in the following link:

<http://www.siliconvalleyiplicensinglaw.com/the-prinz-law-office-launches-the-silicon-valley-software-law-blog/>

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# **Apple Signals New Approach to Enforcing Royalty Policies on App Store**

Amazon, Google, and the Wall Street Journal have all now modified their applications on the Apple App Store in response to signals by Apple that it will be stepping up enforcement of its royalty policies, as was discussed by the Silicon Valley IP Licensing Law Blog in its recent blog post:

<http://www.siliconvalleyiplicensinglaw.com/amazon-google-wall-street-journal-move-to-modify-applications-on-apple-app-store/>

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# How to Protect Your Ideas Before the Launch of a Software Start-up

How do you protect your ideas before you launch your novel software start-up? The Silicon Valley Software Law Blog explored this issue in the following blog post linked here:

<http://www.siliconvalleysoftwarelaw.com/tips-to-protecting-your-ideas-before-you-launch-your-software-start-up-company>

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## Consider Alternatives to Equity When Launching Your Start-up's First Development Project

If you are like many software start-ups, you probably think that equity is the only way to pay for your development work. However, this is not in fact the only option for a cash-strapped start-up, as the Silicon Valley Software Law Blog discussed in the blog post linked here:

<http://www.siliconvalleysoftwarelaw.com/equity-not-the-only-option-for-software-start-ups-hiring-first-developer>

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# **Most Early-Stage Development Projects Overlook the Need to Procure a Copyright Assignment**

If you are like most early stage software companies, you will complete your next development project without ever asking for or procuring a copyright assignment. The Silicon Valley Software Law Blog explored this issue in the blog post linked below:

<http://www.siliconvalleysoftwarelaw.com/copyright-assignmentsoverlookedinmostdevelopmentprojects>

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# **How Does an Entrepreneur Protect His or Her Ideas for Launching a New Start-Up?**

How do you protect your ideas for launching a new start-up? The Silicon Valley IP Licensing Law Blog addressed this issue in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/how-does-an-entrepreneur-protect-his-or-her-ideas-for-launching-a-new-start-up/>

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# **Don't Forget the Copyright Assignment**

One of the most common mistakes business owners and entrepreneurs make when they hire someone to create something for their business is that they fail to obtain a copyright assignment from the person hired, which is a problem as the Silicon Valley IP Licensing Law Blog explained in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/hiring-a-third-party-to-create-for-you-dont-forget-the-copyright-assignment/>

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# **Trying to Save Money by Handling Your Own Trademark Filings?**

If you are like many small businesses and start-ups and are trying to save money by handling your own trademark filings, you may end up spending more money than you save as the Silicon Valley IP Licensing Law Blog discussed in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/trying-to-save-money-with-do-it-yourself-trademark-filings-how-to-avoid-creating-a-more-expensive-headache-for-yourself/>

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# **Start-ups Should Consider Collaboration Agreements as an Option to the Equity Agreement**

If you are like many start-ups, you are probably contemplating hiring contractors on an equity basis because you don't have cash to pay them for their services. But is this really a good idea? The Silicon Valley IP Licensing Law Blog looked at this issue and the collaboration agreement option in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/new-start-ups-should-consider-collaboration-agreement-as-alternative-to-equity-agreement/>

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# **Fourteen States Launch Constitutional Challenge to Health Care Reform Bill**

The California Biotech Law Blog discussed the constitutional arguments at issue in the challenge posed to the health care reform bill in the following blog post:

<http://californiabiotechlaw.com/archives/biotech-legislative-d>

[developments/fourteen-states-launch-constitutional-challenge-to-health-care-reform-bill/](#)

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## **Biotech Industry Evaluates Anticipated Impact of Health Care Reform**

How is the biotech industry reacting to the passage of health care reform? The California Biotech Law Blog explored the industry reaction in the following blog post:

<http://californiabiotechlaw.com/archives/biotech-legislative-developments/biotech-industry-evaluates-anticipated-impact-of-health-care-reform/>

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## **California Biotech Law Blog Recognized as Top 50 Biotech Blog**

The California Biotech Law Blog announced that the blog has been recognized as a top 50 biotech blog in the following blog post:

<http://californiabiotechlaw.com/archives/biotech-blog-in-the-news/california-biotech-law-blog-named-to-list-of-top-50-biotech-blogs/>

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# **Patrick Reilly of IP Society Interviews Silicon Valley Biotech Licensing Lawyer Kristie Prinz**

Patrick Reilly of IP Society interviewed Silicon Valley biotech licensing lawyer Kristie Prinz, as reported in the following blog post:

<http://californiabiotechlaw.com/archives/biotech-blog-in-the-news/patrick-reilly-of-ip-society-interviews-california-biotech-law-blogs-kristie-prinz/>

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# **Silicon Valley IP Licensing Law Blog Author Kristie Prinz Profiled in the SciTechLawyer**

The SciTechLawyer interviewed Silicon Valley IP Law Blog Author Kristie Prinz, as discussed in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/silicon-valley-ip-licensing-law-blog-author-kristie-prinz-profiled-in-thescitechlawyer/>

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# **The SciTech Lawyer Profiles Silicon Valley Biotech Transactions Lawyer Kristie Prinz**

The California Biotech Law Blog reported on The SciTech Lawyer's profile story on Silicon Valley Biotech Transactions Lawyer Kristie Prinz in the following blog post:

<http://californiabiotechlaw.com/archives/biotech-blog-in-the-news/thescitechlawyer-profiles-california-biotech-law-blogs-kristie-prinz/>

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# **Silicon Valley IP Licensing Law Blog Author Kristie Prinz Discusses Intellectual Property Licensing with IP Society's Patrick Reilly**

The Silicon Valley IP Licensing Law Blog reported on the interview by Patrick Reilly of blog author Kristie Prinz in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/kristie-prinz-discu>

# **Technology Transfer Tactics Interviews Silicon Valley Lawyer Kristie Prinz on Tech Transfer Commercialization Dilemma**

Silicon Valley IP Licensing Law Blog report on Technology Transfer Tactic's Interview of blog author Kristie Prinz at the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/technology-transfer-tactics-interviews-kristie-prinz-on-tech-transfer-commercialization-dilemma/>

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## **Kristie Prinz Interviewed by Technology Transfer Tactics on Issue of Whether Poster**

# **Presentations Jeopardize a TTO's Commercialization Efforts**

Do poster presentations jeopardize a tech transfer office's commercialization efforts? The California Biotech Law Blog reported on Technology Transfer Tactics' interview of Silicon Valley Lawyer Kristie Prinz on this issue at the following blog post:

<http://californiabiotechlaw.com/archives/biotech-blog-in-the-news/kristie-prinz-interviewed-by-technology-transfer-tactics-on-issue-of-whether-poster-presentations-jeopardize-a-ttos-commercialization-efforts/>

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# **Seventh Circuit Court of Appeals Issues Ruling Which Affirms Rights in an Exclusive License to Joint Intellectual Property**

The Silicon Valley IP Licensing Law Blog reported on the decision reached by the Seventh Circuit Court of Appeals in the **Wisconsin Alumni Research Foundation v. Xenon Pharmaceuticals**, Appeal No. 08-1351 (7th Cir. 2010), affirming the licensor's rights in an exclusive license to joint intellectual property in the following blog post:



<http://www.siliconvalleyiplicensinglaw.com/seventh-circuit-court-of-appeals-issues-ruling-which-affirms-rights-in-an-exclusive-license-to-joint-intellectual-property/>

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## **Seventh Circuit Rules in favor of WARF in Licensing Dispute with Xenon Pharmaceuticals**

The Seventh Circuit Court of Appeals has ruled in favor of WARF in its licensing dispute with Xenon Pharmaceuticals, as reported by the California Biotech Law Blog in the following blog post:

<http://californiabiotechlaw.com/archives/biotech-deals/seventh-circuit-rules-in-favor-of-warf-in-licensing-dispute-with-xenon-pharmaceuticals-case/>

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## **SBIR Reauthorization Effort At a Standstill**

The California Biotech Law Blog explored the issues delaying SBIR reauthorization in the following blog post:

<http://californiabiotechlaw.com/archives/biotech-legislative-developments/sbir-reauthorization-effort-continues-to-be-at->

## **FTC's Suit Against Intel: What Will Be the Impact on the Silicon Valley?**

The Silicon Valley IP Licensing Law Blog discussed the likely impact of the FTC's lawsuit against Intel on Silicon Valley in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/ftcs-suit-against-intel-what-will-be-the-impact-on-the-silicon-valley/>.

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## **Prinz Law Announces Launch of Prinz Law Store**

The Silicon Valley IP Licensing Law Blog announced the launch of the Prinz Law Store in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/the-prinz-law-store/>

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# **Silicon Valley IP Licensing News Brief June, 2009**

`silicon-valley-ip-licensing-news-brief-june-2009`

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## **Series on ALI Software Contract Principles: Clarify Rules on Implied and Express Warranties in Software Contracts**

The Silicon Valley IP Licensing Law Blog discussed the ALI Software Contract Principles' treatment of implied and express warranties in software contracts in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/series-on-ali-software-contract-principles-clarify-rules-on-implied-and-express-warranties-in-software-contracts/>

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**Electronic**

**Frontier**

# **Foundation Launches New Site to Track Modifications to Online Terms and Conditions**

The Silicon Valley IP Licensing Law Blog reported on the launch by the Electronic Frontier Foundation (“EFF”) of a website to track modifications to online terms and conditions in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/electronic-frontier-foundation-launches-new-site-to-track-modifications-to-online-terms-and-conditions/>

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# **Supreme Court Agrees to Hear Bilski Case: Decision to Have Broad Implications for Silicon Valley Companies**

The Silicon Valley IP Licensing Law Blog looked at the Bilski Case and its potential implications for Silicon Valley in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/supreme-court-agrees-to-hear-bilski-case-decision-to-have-broad-implications-for-silicon-valley-companies/>

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# **Series on ALI Software Contract Principles: Changes Default Rule from Implied Warranty to Implied Indemnification**

The Silicon Valley IP Licensing Law Blog reported on the ALI Software Contract Principles on implied warranty and implied indemnification in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/series-on-ali-software-contract-principles-changes-default-rule-from-implied-warranty-to-implied-indemnification-against-infringement/>

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# **Associated Press Interview Offers Some Insight on its Plans to Police Blogosphere**

The Silicon Valley IP Licensing Law Blog reported on the Associated Press's plans to police the blogosphere in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/associated-press-in>

[terview-offers-some-insight-on-its-plans-to-police-blogsphere/](#)

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## **American Law Institute Approves Principles of the Law of Software Contracts**

The American Law Institute has approved the Principles of the Law of Software Contracts, as the Silicon Valley IP Licensing Law Blog reported in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/american-law-institute-approves-principles-of-the-law-of-software-contracts/>

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## **Copyright Office Issues Response to Backlog Reports**

The Copyright Office has responded to claims that the Copyright Office has been experiencing a backlog, as the Silicon Valley IP Licensing Law Blog reported in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/copyright-office-issues-response-to-backlog-reports/>

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# **Copyright Office Announces Fee Increases**

The Copyright Office has announced the adoption of new fees, as was reported by the Silicon Valley IP Licensing Law Blog in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/copyright-office-announces-fee-increases-effective-august-1-2009/>

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# **Silicon Valley IP Licensing News Brief May 2009**

[silicon-valley-ip-licensing-news-brief-may-2009](#)

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# **Congress to Consider Patent Reform Bills**

The Silicon Valley IP Licensing Law Blog compared and contrasted the Leahy-Hatch and Kyl Patent Reform Bills in the

follow blog post linked below:

<http://www.siliconvalleyiplicensinglaw.com/congress-set-to-consider-leahy-hatch-kyl-patent-reform-bills/>

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## **Blogosphere Reacts to Kindle Publishing for Blogs Licensing Terms**

Amazon has published licensing terms for Kindle blog publishing, which terms have drawn some criticism in the blogosphere, as the Silicon Valley IP Licensing Law Blog explains in the following blog post link below:

<http://www.siliconvalleyiplicensinglaw.com/blogosphere-reacts-to-licensing-terms-for-amazons-new-kindle-publishing-for-blogs/>

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## **Backlog Issues No Longer Limited to USPTO; Copyright Office Also Experiencing Long Delays**

The backlog issues once limited to the Patent and Trademark Office have spilled over to the Copyright Office as well, as



the Silicon Valley IP Licensing Law Blog reported in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/backlog-issues-no-longer-limited-to-uspto-copyright-office-also-experiencing-long-delays/>

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## **Trade Secret litigation On the Rise Against Laid Off Employees**

What is behind the recent increase of trade secret litigation against former employees, who have been let go from Silicon Valley companies? The Silicon Valley IP Licensing Law Blog explored this issue in the following blog post linked below:

<http://www.siliconvalleyiplicensinglaw.com/trade-secret-litigation-on-the-rise-against-laid-off-employees/>

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## **Copyright Infringement on the Web No Longer Limited to the Entertainment Industry**

Have you run searches lately on the Internet to verify that none of your company's works have been infringed? If you were to run such a search, you are likely to find infringement on

the Internet, according to this blog posting by the Silicon Valley IP Licensing Law Blog linked below:

<http://www.siliconvalleyiplicensinglaw.com/copyright-infringement-on-the-internet-problem-is-no-longer-confined-to-entertainment-industry/>.

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## **Collaborating with Third Party Businesses Requires Appropriate Collaboration Agreements**

Are you considering entering into a collaboration with another business? If this is something you are considering, you should get the right agreements in place before moving forward, as the Silicon Valley IP Licensing Law Blog explained in the following blog posting linked below:

<http://www.siliconvalleyiplicensinglaw.com/collaborating-can-create-legal-headaches-if-the-appropriate-ip-agreements-are-not-in-place/>

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## **Silicon Valley IP Licensing**

# News Brief March 31, 2009

silicon-valley-ip-licensing-news-brief-march-2009

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## Decision Reached in Case that Challenged Patent Rulemaking Authority by USPTO

The Federal Circuit has reached a decision in *Tafas v. Doll*, which is a case that challenged the rulemaking authority of the USPTO, as the Silicon Valley IP Licensing Law Blog discussed in the following blog post linked below:

<http://www.siliconvalleyiplicensinglaw.com/decision-reached-in-case-that-challenged-patent-rulemaking-authority-by-uspto/>

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## Facebook Adopts Townhall Format to Allow Users to Comment and Vote on New Statement of Rights and

# Responsibilities

Facebook has decided to obtain user input on the terms and conditions comprising its new statement of rights and responsibilities, as the Silicon Valley IP Licensing Law Blog reported in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/facebook-adopts-tow-nhall-format-to-allow-users-to-comment-and-vote-on-new-statement-of-rights-and-responsibilities/>

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## Anticipating Likely Copyright Battle, Amazon Backs Down Over Kindle 2 Audio Feature

Is the Kindle 2 audiobook text-to-speech feature infringing book author copyrights? The Silicon Valley IP Licensing Law Blog explored the controversy and Amazon's attempt at resolving the issue in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/anticipating-likely-copyright-battle-amazon-backs-down-over-kindle-2-audio-feature/>

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# **Facebook Reverses Decision and Announces Temporary Return to Prior Terms and Conditions**

Facebook has reversed its unpopular decision to change its content licensing policy and other terms and conditions in response to pressure from users and commentators on the Internet, as the Silicon Valley IP Licensing Law Blog explained in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/facebook-reverses-decision-and-announces-temporary-return-to-prior-terms-and-conditions/>

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# **Facebook Licensing Controversy Prompts Public to Take Closer Look at Social Networking Site Terms and Conditions**

Facebook set off a controversy by amending its terms and conditions to permit broad commercialization of content on its website. The Silicon Valley IP Licensing Law Blog explored this controversy and the amended licensing terms in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/facebook-licensing-controversy-prompts-public-to-take-closer-look-at-social-networking-site-terms-and-conditions/>

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## **Maintenance Agreements: How to Ensure Your Revenue Stream Continues Through the Recession**

How do you persevere your maintenance agreement revenue stream in a bad economy? The Silicon Valley IP Licensing Law Blog looked at this issue in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/maintenance-agreements-how-to-ensure-your-revenue-stream-continues-through-the-recession/>

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## **Should You Look to your Intellectual Property Portfolio to Carry You Through the Recession?**

While looking at cutting expenses is a natural business step in response to a recession, your company should also consider

whether adopting a licensing strategy for the IP portfolio might be a more profitable solution to dealing with a recession, as the Silicon Valley IP Licensing Law Blog explains in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/should-you-look-to-your-intellectual-property-portfolio-to-get-through-this-recession/>.

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## **Associated Press Alleging Artist Stephen Fairey Infringed President Obama Photograph**

Did artist Stephen Fairey infringe a photograph of President Obama? The Silicon Valley IP Licensing Law Blog explored the allegations and controversy in the following blog post linked below:

<http://www.siliconvalleyiplicensinglaw.com/associated-press-alleging-artist-stephen-fairey-infringed-president-obama-photograph/>

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## **The Value of Renegotiating**

# **Contracts in a Bad Economy**

Should you try to renegotiate your contracts in a bad economy? The Silicon Valley IP Licensing Law Blog has been exploring this issue and explains why you should consider renegotiation when the economy changes business conditions both parties are operating under in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/more-on-renegotiating-contracts-in-the-bad-economy/>

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## **Bad Economy Presents Opportunity to Renegotiate Contracts**

Should you consider renegotiating signed contracts in a recession or poor economy? The Silicon Valley IP Licensing Law Blog explores this issue and makes a case for why renegotiation should be a priority in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/bad-economy-presents-opportunity-to-renegotiate-contracts/>

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## **Is Your Business Infringing**



# **on the Intellectual Property in Other Companies' Logos?**

If you have third party logos posted on your website, have you ever considered whether or not you are infringing on the third party's intellectual property rights by displaying those logos on your site? If not, perhaps this is something you should consider, as the Silicon Valley IP Licensing Blog explains in the following blog post link:

<http://www.siliconvalleyiplicensinglaw.com/is-your-business-infringing-on-the-intellectual-property-in-other-companies-logos/>

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# **Should Your Business Conduct an IP Licensing Audit?**

The Silicon Valley IP Licensing Law Blog discussed why businesses should consider conducting periodic IP licensing audits and what they should be looking for in those audits in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/should-your-business-conduct-an-ip-licensing-audit/>

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# Retired NFL Players Win Verdict Against Union For Failing to Include Them in Licensing Deals

A verdict was reached in a case filed by retired NFL players against the players union for failing to include them in lucrative licensing deals involving video games and other sports products. The Silicon Valley IP Licensing Law Blog discussed the case and the verdict in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/retired-nfl-players-win-verdict-against-union-for-failing-to-include-them-in-licensing-deals/>

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# Should the Blogosphere Adopt the Creative Commons Licensing Model?

The Silicon Valley IP Licensing Law Blog explored the question of whether the blogosphere should adopt the creative commons licensing model in the following blog post link:

<http://www.siliconvalleyiplicensinglaw.com/should-the-blogosphere-adopt-the-creative-commons-licensing-model/>

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# **Copyright Reform: Is it Time to Take Patent Reform Off the Table and Work on Copyright Reform?**

The Silicon Valley IP Licensing Law Blog looked at this issue of whether copyright reform rather than patent reform should be on the table, and if so, why, in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/copyright-reform-is-it-time-to-take-patent-reform-off-the-table-and-work-on-copyright-reform/>

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# **Trade Secrets Case Provides Important Lesson to Employers and Employees on the Significance of Employment Agreements**

What are the lessons to be learned from the case of the ex-Intel Corporation employee accused of stealing trade secrets

and giving them to his new employer, rival Advanced Micro Device? The Silicon Valley IP Licensing Law Blog looked at this issue in a recent blog post:

<http://www.siliconvalleyiplicensinglaw.com/trade-secrets-case-provides-important-lesson-to-employers-and-employees-on-the-significance-of-employment-agreements/>

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## **Corporate Designs: Does Your Business Really Have the Rights to its Designs?**

Think your business doesn't have any IP to protect? If your business is like most, you may have unprotected design work, as the Silicon Valley IP Licensing Law Blog explains in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/corporate-designs-does-your-business-really-have-the-rights-to-its-designs/>

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## **Cutting Legal Costs by Investing in Good Templates**

Can companies save money on legal costs by investing in good legal templates? The Silicon Valley IP Licensing Law Blog explored this issue in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/cutting-legal-costs-by-investing-in-good-templates/>

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## **Is Open Source Licensing a Viable Business Model**

The Silicon Valley IP Licensing Law Blog explored the issue of whether open source licensing is a viable business model in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/open-source-licensing-is-it-a-viable-business-model/>

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## **How Should License Grant Language Be Drafted?**

The Silicon Valley IP Licensing Law Blog examined the issue of how a license grant should be drafted in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/license-grant-language-how-should-it-be-drafted/>

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# Is There a Market for Blog Content Licensing?

The Silicon Valley IP Licensing Law Blog explored the issue of whether there is a market for blog content licensing in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/blog-content-licensing-is-there-a-market-for-it/>

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# Yahoo Music to Shut Down Service, Issue Refunds to Customers

Yahoo Music has advised its customers that it will be shutting down its digital rights management services and issuing refunds to customers, as reported by the Silicon Valley IP Licensing Law Blog in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/yahoo-music-to-shut-down-service-issue-refunds-to-customers/>

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# Consortia Licensing: Is this

# **an ideal way to license intellectual property?**

The Silicon Valley IP Licensing Law Blog examined the pros and cons of consortia licensing in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/consortia-licensing-is-this-an-ideal-way-to-license-intellectual-property/>

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# **iTunes Music License: Is it Really Enforceable?**

The Silicon Valley IP Licensing Law Blog explored the issue of the enforceability of the iTunes Music License in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/itunes-music-license-is-it-really-enforceable/>

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# **Blogosphere Reacts to Associated Press Attack on Fair Use Doctrine**

Should the Associated Press have the right to set its own standards as to how much quoting from an Associated Press

article constitutes fair use and how much requires the payment of a royalty? The Silicon Valley IP Licensing Law Blog looked at this issue in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/blogosphere-reacts-to-associated-press-assault-on-fair-use-doctrine/>

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## **Supreme Court to Consider Fantasy Baseball Case: Do Players' Names and Statistics Constitute Major League Baseball Intellectual Property?**

The Supreme Court is considering whether to take a case which would address the issue of whether major league baseball players' names and statistics constitute the intellectual property of Major League Baseball, requiring the payment of a royalty fee. The Silicon Valley IP Licensing discuss this case in the following blog post:

<http://www.siliconvalleyiplicensinglaw.com/supreme-court-to-consider-fantasy-baseball-case-do-players-names-and-statistics-constitute-major-league-baseball-intellectual-property/>