



# THE MISSISSIPPI BAR

*Intellectual Property Section*

September 2011

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## *The Year Ahead*

By Anita Modak-Truran

Oscar Wilde said that “the imagination imitates. It is the critical spirit that creates.” The Intellectual Property Section (“IPS”) exists because of the critical creative forces in our state, from inventors and innovators, to writers and storytellers, to filmmakers and graphic designers, to musicians and composers, to dancers and choreographers, to painters and sculptors, to software developers and technological leaders, to businesses who seek to brand a name and image. All of these creative endeavors encompass that elusive term known as “intellectual property.”

The law protects intellectual property through patents on inventions, trademarks on branding devices, copyrights on music, film, videos, patterns and other forms of expression and trade secrets for methods of formulas having economic value and commercial uses. The law also recognizes the right that individuals have to control the use of their name and likeness in a commercial setting. So if you wanted to put a photo of Brad Pitt on your brand of olives, you better have Brad’s permission first. Everyone has a right of publicity, but it is particularly valuable for entertainers and athletes who can earn large fees from product endorsement. These are only a few of the issues our section covers.

IPS serves to advance the understanding and development of intellectual property law within Mississippi, sustain an educational forum for lawyers to discuss a full range of intellectual property issues, promote the public’s awareness of intellectual property issues and educate artists and emerging professionals in the entertainment, sports and other businesses on a wide array of legal issues, such as entity formation, to contracts, to intellectual property.

We plan to advance these objectives in the upcoming year through newsletters, articles, CLE-events, IP clinics for the public and a spring writing competition for law students. We will be partnering on some of these activities with other sections of the Mississippi Bar, the Mississippi Institute of Intellectual Property, the Mississippi International Film Festival, Crossroads Film Festival, the Oxford Film Festival and other businesses and



Stoneware Vase by Robert Pickenpaugh

organizations. Some anticipated events include:

- Privacy, Publicity and Intellectual Property Issues Underlying The Help Controversy. The seminar features a thought-provoking panel discussion on complex issues concerning literary works in general, and the manifestation of those issues in The Help specifically. The panel is comprised of those who are intimately familiar with high profile literary controversies, including Edward Sanders, Fred Banks, Jr., Luther Munford and Robert Gregg Mayer. The seminar will be from 5:30 to 6:30 p.m. on September 29th at Butler Snow, 1020 Highland Colony Parkway, 14th Floor, Ridgeland, MS 39157. For more information, email Rene' Garner at [rgarner@msbar.org](mailto:rgarner@msbar.org) or call at (601) 355-9226.
- In October, A. Meaghin Burke, Research Counsel in the Intellectual Property Group at the Mississippi Law Research Institute, will be the featured speaker of a one-hour, CLE teleseminar on Nuts, Bolts & Trends in Trademarks. This seminar will focus on the step-by-step process of federal trademark registration through the USPTO website but will also include a refresher on trademark law and recent trends in trademark litigation.
- In conjunction with the Mississippi International Film Festival, IPS will hold an IP legal clinic on Saturday, October 22nd. Jason Bush, an attorney at Baker, Donelson and Bearman, Ryanne Duffy Saucier, Deputy Executive Director of Mississippi Public Broadcasting, and Anita Modak-Truran, an attorney at Butler Snow, will staff the clinic and be available to provide IP pointers to filmmakers and musicians attending the event.
- Patent lawyers Joshua Jeanson, Licensing Associate in Mississippi State University's Office of Entrepreneurship and Technology Transfer, and Hemant Gupta, an attorney at Butler Snow who practices in intellectual property law, foreign and domestic patent law, technology licensing and software agreements, business and commercial transactions, will present a half-day CLE seminar on the recent overhaul in patent law under the America Invents Act. The seminar will address post-grant review, the employer corporation as applicant, the first to file rule, the expanded definition of "prior art" and other major changes to patent law.
- Coming in February, IPS, in partnership with the Mississippi Intellectual Property Institute, will host a two day CLE in conjunction with the Oxford Film Festival and provide an IP legal clinic for filmmakers, musicians and entertainers.
- In April, IPS will partner with Crossroads Film Festival for an IP legal clinic for filmmakers, musicians and entertainers.

We anticipate other events throughout the year, including speakers from Sony Music Entertainment, Seasoning Recording Label, music promoters in a variety of genres, film specialists and more. We are building a platform for the future with the intent that you will come and join us and be part of the creative momentum in our state.

For more information, please check our website at [http://www.msbar.org/7\\_intellectual\\_property.php](http://www.msbar.org/7_intellectual_property.php).