

Programa Seminario “Propiedad Intelectual y las Normas de Protección de la Competencia”

Martes 19 de Enero de 2010

Costado Este del hotel Intercontinental Metrocentro, Managua

Organiza la Oficina Nacional de Derechos de Autor y Derechos Conexos (ONDADX) de Nicaragua, con la colaboración de Corporación Innovarte y el Centro de Investigaciones Jurídicas de la Universidad Central de Chile (CIJUCEN), y el auspicio de Open Society Institute y Fundación Ford

- 09:00 horas -09:30 horas : **Inauguración**
Lic. Ivania Carolina Cortes Castro, Directora
Lic. Mario Alberto Jiménez, Jefe de Departamento
- 09:30 horas – 09:50 horas : **Introducción general a las normas de la propiedad intelectual y sus implicancias para el desarrollo.**
Lic. Luis Villarroel, Director Corporación Innovarte (Chile). Investigador del Centro de Investigaciones Jurídicas de la Universidad Central de Chile.
- 09:50 horas – 10:00 horas : **Preguntas**
- 10:00 horas – 10:30 horas : **La nueva Ley de competencia?**
Expositor Nicaraguense
- 10:30 horas – 10:45 horas : **Preguntas**
- 10:45 horas - 11:00 horas : Café**
- 11:00 horas – 11:40 horas: **La aplicación de las normas de la competencia en la Unión Europea en el campo de la propiedad intelectual y la industria tecnológica.**
Lic. Thomas Vinje
- 11:40 horas – 12:00 horas: **Preguntas**
- 12:00 horas – 12:40 horas : **Experiencia de la aplicación de las normas de la competencia en materias de propiedad intelectual en la legislación de EE.UU.**
Lic. Jonathan Band
- 12:40 horas – 13:00 horas : **Preguntas**
- 13:00 horas : **Término**

THOMAS VINJE

Mr. Vinje was born in Seattle, Washington in 1954. He earned his B.A. degree, summa cum laude, from the University of Washington in 1977 and his J.D. Degree from Columbia University School of Law in 1982, where he graduated at the top of his class as a James Kent Scholar. Mr. Vinje was admitted to practice in Hawaii in 1983, California in 1986, and England and Wales in 2006.

Mr. Vinje practiced in San Francisco before moving to Brussels in 1989, where he opened the Morrison & Foerster's Brussels office and was its managing partner until 2003. While in San Francisco between 1985 and 1989, Mr. Vinje's practice concentrated on intellectual property and antitrust matters in U.S. courts and complex international arbitration. He was part of a team of lawyers representing Fujitsu in its landmark software copyright arbitration with IBM. This case was among the first major cases to raise software interoperability issues.

Since moving to Brussels, Mr. Vinje has specialized in European Union intellectual property and competition law, especially in high-technology matters. Mr. Vinje was one of the co-founders of the European Committee for Interoperable Systems (ECIS) in 1989 and has been its lead outside counsel since its founding. From 1989 until 1991, Mr. Vinje was deeply involved in the formulation of the interoperability provisions of the EC Software Copyright Directive. This was the first major legislation in the world explicitly to address interoperability issues. During the 1990s and until today, Mr. Vinje has represented ECIS on all the major European legislative initiatives involving intellectual property (including the Database Directive, the 2001 Information Society Copyright Directive and the Computer Implemented Inventions Directive proposal). Mr. Vinje also represented ECIS and an international research library organization on the 1996 WIPO Copyright Treaty.

During the 1990s, Mr. Vinje also represented several clients in connection with IBM's EC Undertaking, which required IBM to provide competitors with interface information necessary to achieve mainframe compatibility. He was also a member of the team of outside counsel representing the Commission in the Magill case, the landmark European Court case of the 1990s regarding the relationship between intellectual property and competition law.

Beginning in 1999, Mr. Vinje represented several clients in the European antitrust case against Microsoft. He was, inter alia, lead counsel for the Computer & Communications Industry Association, the European Committee for Interoperable Systems, and the Software and Information Industry Association in both administrative proceedings

before the European Commission and in the judicial proceedings before the European Court of First Instance that led to the judgment against Microsoft in 2007.

Since 2008, Mr. Vinje has been pro bono counsel to the Open Society Institute, advocating openness and balance in the world's copyright regimes.

Mr. Vinje has lectured widely on European Union and U.S. intellectual property and antitrust law. He is the author of articles on intellectual property and antitrust matters in *European Competition Law Review*, *European Intellectual Property Review*, *Duke Journal of Comparative & International Law*, *The Computer Lawyer*, *Pittsburgh Journal of Law and Commerce*, *Copyright World*, *The International Computer Lawyer*, *The Nordic Intellectual Property Law Review*, *International Merger Law*, *International Company and Commercial Law*, *GRUR International Law Review*, *Computer und Recht*, *Droit de l'Informatique et des Télécoms*, *Revue du Droit de la Propriété Intellectuelle*, *les Nouvelles* (Journal of the Licensing Executives Society), *Rivista di Diritto Industriale*, and *La Revista General de Derecho*. Mr. Vinje is also a co-author of the books *European Software Law* (Oxford University Press, 1993) and *World Antitrust Practice*.

Mr. Vinje chairs the U.S. Board of Editors for *Droit de l'Informatique et des Télécoms* and sits on the Board of Editors *Computer und Recht International*. He is also on the Correspondents Panel for the *Computer Law and Security Report*. Mr. Vinje has been an Adjunct Professor at the Faculty of Law of the University of Namur. He also lectures on intellectual property law for the International Business Law Postgraduate Program at the University of Zurich and on competition and copyright law at the annual University of Amsterdam course on international copyright law. He has also been a guest lecturer on intellectual property at universities in Cambridge, Copenhagen, Oslo, Bergen, Barcelona and Amsterdam.

Mr. Vinje is listed by all the major legal directories, including **Chambers and The European Legal 500, as a leading lawyer in EC law.**

JONATHAN BAND

Jonathan Band received a B.A., magna cum laude, Phi Beta Kappa, in 1982 from Harvard College, and a J.D. from Yale Law School in 1985. From 1985 to 2005, Mr. Band worked at the Washington, D.C., office of Morrison & Foerster LLP, including thirteen years as a partner. Mr. Band established his own law firm in May, 2005. He is admitted to practice in the District of Columbia and California and before the U.S. Supreme Court and the U.S. Courts of Appeals for the Eighth, Ninth, Tenth, Federal, and District of Columbia Circuits.

Practice Description

Mr. Band helps shape the laws governing intellectual property and the Internet through a combination of legislative and appellate advocacy. He has represented clients with respect to the drafting of the Digital Millennium Copyright Act (DMCA); database protection legislation; the Uniform Computer Information Transactions Act; and other federal and state statutes relating to copyrights, counterfeiting, privacy, spam, spyware, cybersecurity, gambling, and indecency. He complements this legislative advocacy by filing amicus briefs in significant cases related to these provisions.

Mr. Band's policy practice has an international dimension as well. He has worked on the World Intellectual Property Organization's Copyright Treaty; the Council of Europe's Cybercrime Convention and Hate Speech Protocol; the Hague Convention on Exclusive Choice of Court Agreements; and several free trade agreements. He also has submitted comments concerning the revision of intellectual property laws in countries as diverse as Canada, Australia, New Zealand, Singapore, Korea, and Israel.

Mr. Band's deep substantive knowledge of the application of intellectual property law to information technology permits him to counsel clients on the scope of copyright protection for computer programs; secondary liability and the DMCA's safe harbors for Internet service providers; the DMCA's prohibition on the circumvention of access and copy control technology; the protection of online databases; the fair use status of digitization projects; and other complex intellectual property issues.

Additionally, Mr. Band's clients include Internet companies, providers of information technology, universities, and library associations. Mr. Band has represented parties-in-chief in appellate litigation. See, e.g., *Gates Rubber Co. v. Bando Chemical, Inc.*, 9 F.3d 823 (10th Cir. 1993). His administrative litigation experience includes representing the City and County of San Francisco in noise matters before the Federal Aviation Administration, and the State of Alaska in a matter relating to the Exxon Valdez oil spill before the Federal Energy

Regulatory Commission.

Professional Activities

Mr. Band has written extensively on intellectual property and electronic commerce matters, including the book *Interfaces on Trial: Intellectual Property and Interoperability in the Global Software Industry* and over 60 articles.

Mr. Band frequently makes presentations on intellectual property and electronic commerce issues before trade and professional associations, advocacy organizations, and government bodies. Some of these presentations have been broadcast on C-SPAN and other cable and Internet networks.

Mr. Band is an adjunct professor at the Georgetown University Law Center, where he teaches a course on the intellectual property legislative process. Additionally, Mr. Band has been a guest lecturer on intellectual property topics at numerous law schools, including Yale and Columbia.

Mr. Band has been quoted as an authority on intellectual property and Internet matters in numerous publications, including *Clarín* Information (Argentina), *Asahi Shimbun* (Japan), *Nikkei Electronics* (Japan), *The New York Times*, *The Washington Post*, *The Los Angeles Times*, *USA Today*, *Forbes*, *Business Week*, *National Journal*, *The Boston Globe*, *The Houston Chronicle*, *The Houston Press*, *The San Francisco Examiner*, *Village Voice*, *Reuters Financial Report*, *National Law Journal*, *New York Observer*, *Fulton County Daily Report*, *Institutional Investor*, *San Francisco Recorder*, *San Francisco Daily Journal*, *Investor's Business Daily*, *PC World Online*, *Selling*, *MSNBC Home*, *New Jersey Star Ledger*, *Associated Press*, *Communications Daily*, *CQ Daily Monitor*, *Technology Daily*, *Internet World*, *ZDNet*, *Report on Electronic Commerce*, *Electronic Commerce News*, *interactive week*, *TechnoLaw Roundtable*, *Washington Technology*, *Information Law Alert*, *webreview.com*, *Inside Technology Training*, *Netsbytes*, *Law Journal Extra*, *C/NET*, *Daily Fix*, *Globes*, *CNNfn*, *Skali*, *Chronicle of Higher Education*, *Wired News*, *Tech Capital*, *EPRI on the Internet*, *developer.com*, *Lawcast*, *Boardwatch*, *Business 2.0*, *Washington Business Journal*, *Silicon Alley Daily.Com* and *Washington Legal Times*. Additionally, he has been interviewed on National Public Radio and CNN.

Mr. Band was a trustee of the Copyright Society of the U.S.A. and is on the Editorial Board of *The Computer and Internet Lawyer*. He has chaired the intellectual property committee of the ABA's Administrative Law Section; the Copyright Protection Subcommittee of the Computer Programs Committee of the ABA's Intellectual Property Law Section; the Legal and Policy Issues Task Group of the Interactive



Multimedia Association; and the National Information Infrastructure Subcommittee of the Copyright Committee of the American Intellectual Property Law Association. He is a member of the District of Columbia, California, and American bar associations, as well as of the AIPLA and the Computer Law Association.

Pro Bono Activities

Mr. Band received the first Community Service Award of the International Section of the District of Columbia Bar in recognition of his pro bono work on the U.N. Convention for the Elimination of All Forms of Discrimination Against Women. He also has been honored for his pro bono work in the immigration area by the Washington Lawyers Committee for Civil Rights and Urban Affairs. Additionally, Mr. Band was part of the legal team that secured a Presidential Pardon for Freddie Meeks, one of the survivors of the Port Chicago disaster.

Personal Information

Mr. Band was born in Los Angeles, California. He is married to Leesa Fields, and has two children -- Jeremy and Jessica. He lives in **Rockville, Maryland.**