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# INTRODUCTION OF THE PANEL ON INTELLECTUAL PROPERTY ISSUES

JOSEPH J. BEARD\*

Twenty-nine years ago, I joined the staff of MIT's Project INTREX,<sup>1</sup> one of the very first experiments in the storage of large amounts of data in computers. While an INTREX staff member, I wrote an article entitled, *Cybera: The Age of Information*.<sup>2</sup> This panel would have been called "Cybera and the Law," except that in 1984, William Gibson wrote a fictional work, *The Neuromancer*,<sup>3</sup> and "cyberspace" became the word.<sup>4</sup> The moral of the story is to write novels, not law review articles.

I started in this fledgling field in 1967, and it is wonderful to see where it has come to today. We have a very distinguished panel. The first speaker is Tony Clapes. He is the Senior Legal Advisor at IBM. He has a Bachelor of Engineering from Rensselaer Polytech Institute and a J.D. from Yale Law School. Mr. Clapes has managed litigation matters for IBM in the United States, and has served IBM in a variety of capacities, both in the United States and abroad. He is the author of two definitive works on software protection: *Software, Copyright, and Competition: The*

\* B.S., Tufts University; J.D., Suffolk University; M.B.A., Babson College; LL.M., Boston University; J.S.D., Harvard University. Professor Beard was a member of the law faculty of New England School of Law for many years before joining the law faculty of St. John's University in 1982.

Prior to receiving his law degree, Professor Beard, a member of *Tau Beta Pi*, had extensive experience as an electrical engineer specializing in electronics and computers. A qualified submariner, he served in the United States Navy for 30 years before retiring as Captain, USNR.

Professor Beard is an active member of the Copyright Society of the United States of America and has served as a Trustee and Chair of the Bicentennial Committee. He has been the Representative of the Governor of the Commonwealth of Massachusetts, on the Task Force for Legal Research by Computer, and consultant to the National Commission on New Technological Uses of Copyrighted Works.

Professor Beard teaches Commercial Law, Entertainment Law, and Copyrights and Trademarks.

<sup>1</sup> INTREX is an acronym for Information Transfer Experiments.

<sup>2</sup> 19 COPYRIGHT L. SYMPOSIUM 117-42 (Columbia University Press) (1971).

<sup>3</sup> WILLIAM GIBSON, NEUROMANCER 51 (1984).

<sup>4</sup> See, e.g., David Loundy, 101 *E-Law: Legal Issues Affecting Computer Information Systems and System Operator Liability*, 12 COMPUTER L.J. 101, 102 (1993)(recognizing William Gibson as man who coined term "cyberspace").

*"Look and Feel" of the Law*<sup>5</sup> and *Softwars: The Legal Battles for Control of the Global Software Industry*.<sup>6</sup> He is a member of the New York, Connecticut, Ninth Circuit, and Federal Circuit Courts.

Anthony Clapes has been a frequent lecturer in this field,<sup>7</sup> and beginning in May of this year, he will be engaged in private practice, commencing a whole new aspect to his career.

<sup>5</sup> ANTHONY LAWRENCE CLAPES, *SOFTWARE, COPYRIGHT, AND COMPETITION: THE "LOOK AND FEEL" OF THE LAW* (1989).

Mr. Clapes has also written shorter articles on software protection. See, e.g., Anthony L. Clapes, *Software, Copyright and Competition: The Use of Antitrust Theory to Undercut Copyright Protection for Computers Programs*, in *INTELLECTUAL PROPERTY ANTITRUST 1995* (PLI Patents, Copyrights, Trademarks, and Literary Prop. Course Handbook Series No. G4-3942, 1995) (concluding massive uncertainties in intellectual property rights and diminished innovation are result of antitrust principles infringing on intellectual property rights).

<sup>6</sup> ANTHONY L. CLAPES, *SOFTWARES: THE LEGAL BATTLES FOR CONTROL OF THE GLOBAL SOFTWARE INDUSTRY* (1993) (analyzing software litigation and determining that copyright law protects both software industry and consumers).

<sup>7</sup> See, e.g., Symposium, *Copyright Protection: Has Look & Feel Crashed?*, 11 *CARDOZO ARTS & ENT. L.J.* 721, 746-49 (1993). Mr. Clapes spoke on the future of copyright law and intellectual property at the Cardozo School of Law Symposium. *Id.*