

**INTELLECTUAL PROPERTY LAW COMMITTEE BUSINESS
LAW SECTION
THE FLORIDA BAR**

MEETING MINUTES– 2019 Annual Florida Bar Meeting
Thursday, June 27, 2019, Boca Raton Resort and Club at 9:00 AM

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Jake Linford, Professor Academic Chair, Tallahassee	jlinford@law.fsu.edu	850-644-3449

Attendees: In person: *See attached.* On the phone: *Woody Pollack, Don Conwell, Jackie Tadros, Kimra Major-Morris, Joe Englander*

I. OLD BUSINESS

- A. Adoption of Meeting Minutes** – April 11, 2019, meeting held in conjunction with the 10th Annual IP Symposium - Adopted by vote

II. NEW BUSINESS

- A. IP Symposium Wrap Up** – Michele Moss, Orlando - the 9th Annual Symposium was a great success – we had 73 register, 69 attend, 33 speakers 13 steering committee members, and 4 sponsors – anyone who attended please complete the survey if you have not already done so
- B. Recruitment** – Terry encouraged all to help recruit new members to the BLS and to get involved in committees
- C. IP Certification Update** – Brian Gilchrist, Orlando – Brian reported that there are now 140 IP certified attorneys, 15 of which are currently up for recertification – the deadline to apply for re-certification is July 31, the application window for new applications is 9/1-10/31- currently the committee is reviewing 5 recertification applications and 6 exams – the Bar has advised that the format of the exam will change going forward, it will no longer offer sections on subspecialties (patent, trademark, copyright, IP litigation) but will now be a single, unified exam that everyone will take – there is currently one opening on committee due to a resignation - Dineen is the incoming chair
- D. Legislative Recap/Update – Jacqueline Tadros, Fort Lauderdale**
- 1. Trademark Statute Amendment-** bill passed, it takes effect 7/1/19 – the committee thanks Dineen Wasylik, Mark Stein, Terry Sanks and Aimee Diaz Lyon for their hard

work

2. The Social Media Website bill (SB 1722) did not pass

3. Trade Secrets Legislation (SB 882 and HB 1243)– did not pass – the committee thanks Joe Englander and Sam Lewis for their efforts in preparing a white paper

E. 542.335 Task Force Update– Jacqueline Tadros, Fort Lauderdale

A joint task force has been formed, it is working in white paper – key issues under debate include whether to replace or modify the current statute or leave as is – the task force is considering: using a Washington state law as a model; whether to add provisions that would construe the covenant against the drafter; changing burdens of proof; whether covenants should apply to all employees vs just certain ones (that receive above a certain amount of compensation, key employees, independent contractors and/or sellers of a business); whether “legitimate business interests” should include only trade secrets and confidential information, whether to add customer relationships, whether to maintain specialized training, whether to make discretionary the court’s ability to “blue line” the covenant and if so how -- there will be task force calls in July and August, hope to have white paper right around the Labor Day Retreat – the committee thanks Joe Englander and Jim Gale for their hard work on the task force – if interested in joining, contact Brian Barakat (brian@triallawmiami.com)

F. 11th Circuit IP Symposium Update – Jackie reported that talks with the Georgia Bar about a regional symposium have stalled due to them wanting us to drop our Symposium altogether – they also wanted us to schedule the event in early September, which would conflict with the BLS Labor Day retreat

G. IP Certification Materials Task Force – Joseph Englander, Miami – in order to assist in ensuring that certification remains vital, a task force has formed to create materials on the substantive areas of IP law that would help those studying to become certified – anyone interested should contact Joe (JEngland@fowler-white.com)

H. Brochure on IP law – Terry lead the discussion on creating potentially two brochures to help advertise Florida as an important venue for IP and the benefits of using IP certified attorneys – it could be published on the Committee and Business Law Section websites – a second brochure could be created that is aimed at in-house counsel for large companies and other decisionmakers

I. 11th Annual IP symposium – Sam Lewis, Miami – the Steering Committee is forming, anyone interested should contact Sam (slewis@cozen.com) - The Bar will only reimburse travel expenses for speakers that are not BLS members and are from out of the state

J. Introduction of 2019-2020 IP Committee Leadership –

Jacqueline Tadros will be the Chair

Jim Matulis will be the First Vice Chair, Legislation

Michele Moss will be the Second Vice Chair, CLE

Samuel Lewis will be the IP Symposium Chair

Darren Spielman will be the Communications Liaison

Judge Scriven will be our Judicial Chair

Professor Jake Linford will be our Academic advisor

III. CLE Presentation

- A. The Emerging Law in Trademarks and the Business of: Cannabis, CBD, and Hemp Products** – Lorri Lomnitzer & Spensyr Krebsbach, Boca Raton, presented – CLE Course No. 3624