

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

AGENDA – 2022 Florida Bar Annual Meeting–In Person  
Thursday, June 23, 2022, 9:00 AM – 10:55 AM

Register to attend via ZOOM:

<https://us02web.zoom.us/meeting/register/tZcpceGupj8tG9Q2oGiZRzkfPJPTyxzu0Tv9>

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Honorable Mary S. Scriven U.S. District Judge Judicial Chair, Tampa	<a href="mailto:Chambers_fimd_scriven@flmd.uscourts.gov">Chambers_fimd_scriven@flmd.uscourts.gov</a>	813-301-5400
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**I. WELCOME AND INTRODUCTION BY THE CHAIR**

**II. OLD BUSINESS**

**A. Adoption of Meeting Minutes.** January 26, 2022 – Florida Bar Winter Meeting

**B. CLE Course Numbers for Past IP Committee Meetings**

1. 6/10/2021-**The Simplified Retelling of *Compulife Software Inc. v. Newman*, 959 F.3d 1288 (11th Cir. 2020): “Warning: This Gets Pretty Dense (and Difficult) Pretty Quickly”**-Course No. 5953

2. 9/4/2021-Counterfeit Goods and the Intellectual Property Enforcement Landscape- T. Raquel Wiborg-Rodriguez, Stephen M. Gaffigan, P.A.- Course No.-5580

3. 1/27/22-The Intersection of NFTs & Intellectual Property Law, Moish Peltz, Esq., Falcon Rappaport & Berkman PLLC- Course No. 5757

## II. NEW BUSINESS

### A. **IP Symposium Recap** – Meredith Mendez, Miami

1. April 28-29, 2022, Biltmore Hotel, Miami, Coral Gables, FL 33134
2. 2023 IP Symposium Chair

### B. **Legislative Update** – Samuel Lewis, Miami

#### 1. **BLS Proactive Legislation**

**Data Privacy SB 1864**-Not approved by the Legislature

**Service of Process SB 1062**-Revises provisions to the procedures for service on various kinds of business entities as well as for service outside the State of Florida and in foreign countries. Further, the bill amends procedures related to the filing of a presuit notice for medical negligence. SB 1062 was approved by the legislature on 3/4/22 and if approved by the Governor will take effect 1/1/23.

**UCC Pick Your Partner SB 336**-Reflects updates recently made to Article 9 of the model Uniform Commercial Code (UCC). The amendments clarify that certain overrides of restrictions on transferability do not apply to an ownership interest in a general partnership, limited partnership, or LLC. SB 336 was approved by the Legislature on 3/4/22 and if approved by the Governor will take effect 1/1/23.

**Secured Transactions/Kearney SB 406**-Provides that language referring only to the type of collateral is insufficient to waive constitutional and statutory protections that prevent creditors from obtaining a judgment against certain assets, allowing the individual to pledge such assets as collateral. The bill was filed in response to a recent federal court case which held that mere contractual reference to “all assets” included certain property previously understood to be excluded from such an agreement. If approved, the legislation would apply to all security interest retroactively. SB 406 was approved by the Legislature on 3/4/22 and in approved by the Governor will take effect upon becoming law.

**Judgment Lien SB 1758, HB 1173**-Not approved by the Legislature.

**Chapter 517 HB 779, SB 1880**-Not approved by the Legislature.

**Financial Literacy Instruction SB 1054**-Revises the requirements regarding financial literacy for the Next Generation Sunshine State Standards. It also changes the required credits for a standard high school diploma to include one-half credit of instruction in personal financial literacy and money management. SB 1054 was approved by the legislature on 3/8/22, approved by the Governor and will take effect 7/1/22.

**C. Section 542.335 Task Force Update – Jim Matulis, Tampa –**

**D. Intellectual Property/Computer Law Legislative Positions**

- Opposes changes that weaken contracts governed under current franchise laws and expand claims available under Florida’s Unfair and Deceptive Trade Practices Act.
- Supports legislation that defines blockchain technology in such a manner as to encourage innovation in the blockchain space without tying any statutory definition to a specific implementation of the technology. (added 10/23/2020)
- Supports amending pending legislation relating to trade secret information to require Florida state agencies to inform potential bidders, vendors, service providers, contractors and/or others that may engage in business with state agencies that their submission of information to an agency may waive trade secret protection and to further require informed consent by potential bidders, vendors, service providers, contractors and/or others that may engage in business with the state agencies, in order to prevent inadvertent waiver of said trade secrets and potential litigation. (added 10/23/2020)
- Supports legislation relating to data privacy and protection, including cybersecurity, that strikes the appropriate balance between protecting personal information without placing undue restrictions on business development or unnecessarily stifling technological advancement in this state. (added 10/23/2020)

**E. Amicus Brief Update- Dineen Wasylik, Tampa**

1. Approved Amicus Brief was filed on 2/21/22 in WPB Hotel Partners, LLC v. Point Conversions, LLC, Case No. SC21-1071 on the issue of whether the 4<sup>th</sup> District Court of Appeals erred in ruling that it has subject matter jurisdiction of claims for unjust enrichment, injunctive relief, conversion and violation of Florida’s Deceptive and Unfair Trade Practices Act (“FDUTPA”) even though these claims relate to the “scope, validity or infringement of a patent” which is within the exclusive subject matter jurisdiction of the federal courts.

**F. Board Certification Study Materials Task Force Update – Jessica Shraybman, Miami Beach and Joe Englander, Miami, Co-Chairs –**

1. Volunteers needed to complete update of study materials

**G. Board Certification Update – Woody Pollack, Tampa –**

**H. Liaison Updates**

1. **Inclusion/Mentoring/Fellowship Committee – Nicole Reid, Mount Dora**

- 2. Communications Committee** — Crystal Potts, Fort Pierce
- 3. Pro Bono Committee** –Michele G. Moss, Orlando
- 4. CLE Committee** –Liz Stamoulis, Sarasota
- 5. Financial Literacy Task Force-??**

- I. Copyright Clause Restoration Act of 2022**-Does the IP Committee want to take a position?
- J. IP Committee Policies and Procedures**-Update

#### **IV. CLE EVENT**

Topic: NFTs and Copyright's First Sale Doctrine-Panel Discussion with Professor Zachary Catanzaro, Negin Kordbacheh and Luca Hickman

#### **V. ADJOURNMENT**

Next Meeting, The Florida Bar Business Law Section Labor Day Retreat, September 2-5, 2022, @ JW Marriott Marco Island