

**INTELLECTUAL PROPERTY LAW COMMITTEE
BUSINESS LAW SECTION
THE FLORIDA BAR
MEETING MINUTES – June 23, 2022**

I. WELCOME AND INTRODUCTION BY THE CHAIR

Attendance (in person): Michele Moss, Samuel Lewis, Darren Spielman, Jim Matulis, Woodrow Pollack, Ava Doppelt, Robert Kain, Nicole Reid, Mark Stein, Lawrence Kunin, John Cunniff, A. Robert Weaver, Paul Bianco, Elizabeth Stamoulis, the Honorable Mary Scriven, Brian Paul, Oliver Ruiz, Terry Sanks, Jesse Poole, Michelle Suarez, Robert Thornburg, Steve Milbrath, Michael Dixon, Michael Plevan, Diana Mederos, Luca Hickman, Zachary Catanzaro, Negin Kordbacheh, Amaris Gyebi.

Attendance (via Zoom): Jeanne Seewald, Mark Nields, John Fulton Jr., Meredith Mendez, Sean Catlin, Garrett LaBorde, Jacqueline Tadros, Marshall Kobrin, Crystal Potts, Fred Romano, Doug Cherry, Vanessa Ferguson, Cary Levinson, Teresa Partipilo, Scarlet Riviere, Brian Gilchrist, Jodi-Ann Tillman, Alexander Schneider, Joshua Brown, Allion Imber.

II. OLD BUSINESS

- A. Adoption of Meeting Minutes, Mid-Year Meeting (January 26, 2022)** - moved by Eva Doppelt, seconded by Jim Matulis; approved without opposition.

III. NEW BUSINESS

- A. IP Symposium Recap** – Meredith Mendez recapped this year’s successful IP Symposium which took place April 28-29, 2022 at the Biltmore Hotel in Coral Gables. Meredith also introduced the chair for the 2023 IP Symposium, Sean Combs.
- B. Legislative Update** – Samuel Lewis provided a legislative update, including an update regarding the status of the *Netchoice, LLC, et al. v. Attorney General, State of Florida* case recently decided by the U.S. Court of Appeals for the Eleventh Circuit. He also advised that legislation directed to data privacy and covenants not to compete was expected to be filed ahead of next year’s legislative session. Finally, Lewis advised that the Committee needs a white paper opposing changes that weaken contracts governed under current franchise laws and expanding claims available under Florida’s Unfair and Deceptive Trade Practices Act.
- C. 542.335 Task Force** – Jim Matulis advised that the Task Force has not been since receiving word that legislators were not inclined to make any changes during this legislative session.
- D. Renewal of Legislative Positions** – Michele Moss noted that the Committee’s legislative positions sunset every 2 years, and asked the Committee to extend its

current legislative positions. Specifically, the Committee's current legislative positions are as follows:

1. The Committee opposes changes that weaken contracts governed under current franchise laws and expand claims available under Florida's Unfair and Deceptive Trade Practices Act.
2. The Committee 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.
3. The Committee 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.
4. The Committee 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.

Samuel Lewis moved to approve these as the Committee's current legislative positions, which motion was seconded. The Committee approved the motion without opposition (the Honorable Judge Scriven abstained).

Robert Kain raised the issue of the developing UCC Article 12 and the need for the Committee to consider taking a position on that legislation. He is working on a white paper.

- E. Amicus Brief Update** – Dineen Wasylik advised that the amicus brief had been filed with the Florida Supreme Court, and that issues were still being briefed.
- F. Board Certification Study Materials Task Force** – Michele Moss provided an update of efforts to develop study materials for the Board Certification exam.
- G. IP Board Certification** – Woody Pollack provided an update on the status of Board Certification. He advised that there are currently 142 Board Certified IP attorneys, that 75 of those are due to recertify in 2022, and that 2 people took the exam this year.
- H. Inclusion/Mentoring/Fellowship Committee meeting** – Nicole Reid introduced the Section's new fellows, and reported that the Inclusion Committee had come

up with a new approach to inclusion that it believes will satisfy the Florida Supreme Court.

- I. **CLE Committee** – Liz Stamoulis reported on the efforts of the CLE Committee, and noted that the Bar published Robert Kain’s article.
 - J. **Financial Literacy** – Mark Stein reported that the financial literacy legislation has now passed, and that the Financial Literacy Committee is turning its attention to the issue of implementation.
 - K. **Blockchain Task Force Transformation** – Woody Pollack advised of the efforts of the Blockchain Task Force to transform into a Section standing committee, and that a vote confirming that transformation was slated to take place during the Executive Council meeting. Woody moved that the Committee support the forthcoming vote to transform the Blockchain Task Force into a Section committee, Mark Stein seconded, and the motion was approved without opposition.
- IV. **CLE EVENT** – NFTs and Copyright’s First Sale Doctrine – Panel discussion with Professor Zachary Catanzaro, Negin Kordbacheh and Luca Hickman.
- V. **ADJOURNMENT**