

# Getting Down to Business

## HANDS-ON LEARNING IN THE INTELLECTUAL PROPERTY AND TRANSACTION CLINIC

In Pierce Law's Intellectual Property and Transaction Clinic, it's win-win for students and for New Hampshire's musicians, inventors, authors, artists, nonprofits and entrepreneurs. Students sharpen their skills while working on real legal problems, and their clients reap the benefits.

Under the supervision of Professor Ashlyn Lembree JD/MIP '96, director of the Intellectual Property and Transaction Clinic, students are assigned to work on cases involving intellectual property issues such as copyrights and trademarks, as well as legal issues regarding contracts, small business transactions and 501 (c) (3) non profit registrations.



*Students gain real-world knowledge in the Intellectual Property and Transaction Clinic. Pictured l. to rt.: front row: Clinic Director Ashlyn Lembree, Monica Peters '09, Marissa Olesen '09, Autumn Nichol '09, Michael Clement '09; back row: Richard Benavidez '09, Catherine Roehl '09 and Reema Patil LLM '08.*

"In our live client clinic, students have the opportunity to conduct interviews and research, draft documents, and advise clients in a variety of intellectual property and transactional matters," explains Lembree.

"This clinic regularly accepts referrals from the New Hampshire Chapter of Lawyers for the Arts, bringing in clients who are authors, artists, musicians and publishers," adds Lembree. "We also assist individuals operating small businesses and nonprofit organizations with issues pertaining to copyright and trademark registration and protection, and licensing small business transactions. We also offer assistance in how to form and manage nonprofit corporations."

For students, the clinic brings law classes to life by allowing them to apply their knowledge to real cases. While the clinic includes a classroom component, the primary focus is on real-world experience.

"The clinic helps students gain a solid background in legal research and analysis, legal reasoning, trademark and copyright registration practice, business entity formation and governance practice," says Lembree. "They also learn the basics of intellectual property contract drafting, handling intellectual property infringement claims, and counseling by representing clients in actual cases."

"The clinic benefits not only our students but also the community at large, since our students often represent clients whose needs might otherwise go unserved," adds Lembree.

This fall, Pierce Law students from across the country worked in the clinic. They included: Richard Benavidez '09 of Los Angeles, CA, Michael Clement '09 of Penacook, NH, Autumn Nichol '09 of Punxsupawney, PA, Marissa Olesen '09 of Oakton, VA, Reema Patil LLM '08 of Bangalore, India, Monica Peters '09 of Ashland, NH, and Catherine Roehl '09 of Richmond, VA.

"The clinic provided me with the chance to work directly with a variety of trademark related matters," says Roehl. "This work was essential preparation, not only for the trademark externship that I will doing at the alumni-based firm of Vern Maine & Associates in Nashua, NH, but also for a future career in trademark law," says Roehl.

“As an international student in the clinic ... I have gained great insight with regard to the practical application of United States copyright and trademark laws along with the confidence to handle issues relating to them.”

– Reema Patil LLM '08

“Marissa Olesen and I worked on a trademark infringement matter for a New Hampshire business, Real Green Goods. We drafted a co-existence agreement that would have allowed both a New Hampshire business and an opposition company to simultaneously use their trademarks in harmony within the perspective boundaries set forth in the agreement. However, negotiations fell through, and we then drafted a “Petition to Cancel,” requesting the United States Patent and Trademark Office review the validity of the opposing company’s trademark registration. After the document was presented to the opposition, negotiations resumed again, much to our client’s satisfaction,” says Roehl. “During the clinic I was able to conduct trademark searches and draft a copyright license as well.”

“Being a student intern in the clinic has afforded me the hands-on experience that is invaluable in the actual practice of law,” says Benavidez who worked with the Granite State Ringers and Red Brick Guides. “Professor Lembree and the clinic have challenged me as a law student, and have provided me with an opportunity to practically apply everything that I’ve learned in my intellectual property classes here at Pierce Law,” adds Benavidez. “Although most of my time has been spent inside the clinic researching, drafting memos and writing letters, there is still a great sense of satisfaction and accomplishment knowing that you are actually helping others.”

“The clinic has definitely been one of the highlights in the pursuit of my LLM degree here at Pierce Law,” says Patil. “I worked mainly on a Response to Office Action for one of the clients. We had a chance to speak to the examining attorney at the United States Patent and Trademark Office with regard to the Office Action and successfully filed our Response in November,” explains Patil. “During the semester, I also had the opportunity to work on a co-existence agreement and the filing of a trademark application. We also interviewed a client, Vicky Kavanaugh, who needed legal advice with regard to her work of art and also her mark ‘innerjazz’ that she was using on her creations.”

“As an international student in the clinic, under the watchful guidance of Professor Lembree, I have gained great insight with regard to the practical application of United States copyright and trademark laws along with the confidence to handle issues relating to them,” says Patil.

“If you want practical work experience in soft IP, the transaction clinic is a great place to start,” according to Clement. “The clinic afforded me the opportunity file trademark applications, to respond to a trademark office action, file a copyright application, and formulate a theory for potential copyright infringement litigation. The clinic experience is tailored to you and gives you the opportunity to help people who otherwise would not be helped.”

## Intellectual Property and Transaction Clinic Clients:

Cookies Around the World®

Granite State Ringers

Lainey Hunter

Musicians for a Cause

New Hampshire Community Loan Fund Inc.

OPENVOTE®

Project Laundry List

Real Green Goods, Concord

Red Brick Guides

ROC USA, LLC

Vicky Kavanaugh, sole proprietor  
d/b/a innerjazz

Winnepesaukee Playhouse

