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TRAILBLAZERS

INTELLECTUAL PROPERTY

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PIONEER SPIRIT Perry Viscounty was a first-year attorney in 1987. “I worked for a senior partner who had an IP case. He hadn’t really done much IP work, but I was interested in technology so he let me work it up. I got a good result, and other attorneys in the firm started sending me IP cases. I realized at a young age that I had expertise that others didn’t.”

TRAILS BLAZED Viscounty’s work has included a trilogy of cases for craigslist that revolve around who owns big data on publicly accessible sites.

“These sites are extremely valuable and have been built through an enormous amount of time and effort. But people have been scraping the data and using it to make money. The question is, can you stop that if it’s a publicly available website? We took over some very large cases and came up with a unique legal strategy – when users post something on our sites, they have the option to assign the copyright to us. Users don’t have to, but if they want their data protected, the site owner now owns the copyright and licenses it back to the user. This and other creative strategies resulted in three judgments and permanent injunctions: against RadPad for \$60.5million, Instamotor for \$31million and 3Taps and other defendants for a total of \$3.1million. Users love it, and privacy advocates are ok with it, too.”

FUTURE EXPLORATIONS The question is how the internet of things will impact the future. “Everything is connected and big data is being collected. It’s super-valuable, and companies need to protect this data. And the rules on what they can do with it are changing. We think we are making good law in this area to protect users through cases like the craigslist matters.”

