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Foreward

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FOREWORD

*Joan G. Wexler**

On January 28, 2000, we hosted a symposium on “Software as a Commodity: International Licensing of Intellectual Property.” The symposium was co-sponsored by our Center for the Study of International Business Law and our *Journal of International Law*. This symposium coincided with the beginning of the centennial celebration of our law school, which will continue through the 2000-2001 academic year. It was an auspicious and fitting beginning. As this law school heads into its second century, the Internet is reshaping the world in only its first decade.

Our general theme was the legal challenge posed by emerging modes of electronic commerce and commerce in electronic property. The symposium explored the issues raised by the increasing internationalization of transactions in new forms of intellectual property—software and similar computer information. In the United States, we have just completed a decade-long process of preparing a draft law for these transactions—the Uniform Computer Information Transactions Act (UCITA)—but, these transactions are increasingly, and sometimes surprisingly, international in nature. In fact, Professor Cohen informed me that our site license for WordPerfect at the law school is governed by the law of Ireland. Who knew? Both the legal system, and, apparently, the law school, will have to come to grips with the implications of these new types of transactions.

We were pleased to have gathered a very talented, knowledgeable, and, indeed, international group of speakers and commentators—from the United States, Europe, and even Australia. Our principal speakers were Raymond Nimmer, of the University of Houston, François Dessemontet of the University of Lausanne in Switzerland, and Kathy Patchel of Indi-

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ana University in Indianapolis.

Professor Nimmer introduced us to this brave new world of transactions in computer information and explained the United States' efforts to draft a law to govern them. He also explored whether the U.S. model should be applied to international transactions. He brought to this task his experience as reporter of the UCITA drafting committee and as the author of books on the law of sales and on information law. Professor Dessemontet is a noted expert on the continental law of intellectual property. He discussed the European approach to such transactions and commented on the applicability of the U.S. model to cover international transactions. Professor Patchel has written extensively on the Uniform Commercial Code and teaches Conflict of Laws. She is currently associate reporter, with Neil Cohen, of revised Article 1 of the Uniform Commercial Code. Professor Patchel explored how conflict of law principles may apply to these international transactions. We also assembled a distinguished group of commentators who expanded on, and challenged, the ideas of the principal speakers.

Brooklyn Law School Professor Neil Cohen was the Co-Chair of the symposium. Professor Cohen is our resident expert on international and domestic commercial transactions. He is a member of the Drafting Committee that is revising Articles 2 and 2A of the Uniform Commercial Code and serves as the Director of Research of the Permanent Editorial Board for the Uniform Commercial Code. He also holds two reportorial appointments—he is Reporter both for the Drafting Committee revising Article 1 of the Uniform Commercial Code (a joint project of the American Law Institute and the National Conference of Commissioners on Uniform State Laws) and for the ALI's International Secured Transactions Project. I also want to thank Professor Ted Janger, the other Co-Chair of the symposium. He is one of our resident bankruptcy and commercial transactions experts. This symposium was Professor Janger's and Professor Cohen's idea, and reflects their vision. They deserve tremendous thanks for their efforts and for the fine articles that follow in this issue.