



2013

Stanford University-Peking University

斯坦福大学—北京大学

Internet Law and Public Policy Conference

互联网法律与公共政策研讨会

May 3-4, 2013

2013年5月3日-5月4日

Paul Brest Hall, Stanford Law School

斯坦福大学法学院 Paul Brest 会堂

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AGENDA 议程

May 3, 2013 Paul Brest Hall, Stanford Law School 2013年5月3日 斯坦福大学法学院 Paul Brest 会堂		
1:00-1:40 p.m.	Registration 登记	40 mins
1:40-2:00 p.m.	Introduction 介绍	15 mins
	Speaker: M. Elizabeth Magill Dean, Stanford Law School 斯坦福大学法学院院长	
	Speaker: ZHANG Shouwen (张守文) Dean, Peking University Law School 北京大学法学院院长	
	Speaker: Brent Irvin (艾文博) Vice President and General Counsel, Tencent Holdings Limited 腾讯公司副总裁和法律总顾问	
	Welcome Letter 欢迎信	
	Congresswoman Anna G. Eshoo U.S. Representative for California's 18th Congressional District 美国加利福尼亚州第 18 国会区代表 (Read by Dean Magill 由 Magill 院长读出)	5 mins
2:00-2:15 p.m.	Tea Break 茶歇 (Group Photo 合影)	15 mins
2:15-3:55 p.m.	Panel I Internet Antitrust Policy: The Internet raises unique issues in the area of antitrust law, from network effects to the use of patents. Why is this the case? How can these issues be addressed? How do U.S. and Chinese approaches to these issues differ? 互联网反垄断政策: 互联网的兴起为反垄断法律带来了从网络效应到专利用途等独特问题。究其原因为何? 这些问题应如何解决? 中美两国的应对方法又有什么不同?	100 mins

	<p>Moderator: Mark Lemley Professor of Law, Stanford Law School 斯坦福大学法学院教授</p>	5 mins
	<p>Moderator: HUANG Yong (黄勇) Director and Professor, Faculty of Economic Law, University of International Business and Economics 对外经济贸易大学经济法系主任、教授</p>	5 mins
	<p>Panelist*: Yannick Carapito Senior Attorney, Antitrust Team, Legal and Corporate Affairs Group, Microsoft 微软公司法律与公司事务部反垄断团队高级律师</p> <p>Topic: Antitrust Issues in Standards for the Internet 互联网标准中的反垄断问题</p>	10 mins
	<p>Panelist: KONG Xiangjun (孔祥俊) Chief Judge, Intellectual Property Division, Supreme People's Court, People's Republic of China 中华人民共和国最高人民法院知识产权庭庭长</p> <p>Topic: Anti-Monopoly Civil Litigation in the Field of Internet in China 中国互联网领域反垄断民事诉讼</p>	10 mins
	<p>Panelist: Yabo Lin (林亚波) Partner, Sidley Austin LL.P. 盛德国际律师事务所合伙人</p> <p>Topic: An Antitrust Review That Goes Beyond Antitrust: Practical Observations of Recent Technology M&A Deals 不局限于反垄断的反垄断审查—— 最近技术领域并购案的几点观察</p>	10 mins
	<p>Panelist: Scott A. Sher Partner, Wilson Sonsini Goodrich & Rosati Wilson Sonsini Goodrich & Rosati 律师事务所合伙人</p> <p>Topic: When You May Unfriend: Analyzing the Obligations an Online Platform Owes to its Developer Community 何时可以解除好友关系：在线平台对其开发者社区所承担的义务</p>	10 mins

* Panelists are listed in the alphabetical order of their family names. 小组成员按姓氏字母顺序排列。

	<p>Panelist: SHI Jianzhong (时建中) Director and Professor, Competition Law Research Center, China University of Political Science and Law 中国政法大学教授、中国政法大学竞争法研究中心主任</p> <p>Topic: Prosperity Stems from Competition: Definition of Relevant Market in Internet Industry——Practices in China’s Internet Industry and Their Implications 繁荣来自于竞争：互联网行业的相关市场界定 ——中国互联网行业的实践与启示</p>	10 mins
	<p>Panelist: ZHAO Yiqin (赵亦勤) Deputy Division Director, Antimonopoly Division, Antimonopoly and Anti-Unfair Competition Enforcement Bureau, State Administration for Industry and Commerce, People’s Republic of China 中华人民共和国国家工商总局竞争执法局反垄断执法处副处长</p> <p>Topic: Competition Policy and Internet 竞争政策和互联网</p>	10 mins
	Q&A	30 mins
3:55-4:15 p.m.	Tea Break 茶歇	20 mins
4:15-5:45 p.m.	<p>Panel II</p> <p>Privacy: Privacy has become a hot button issue in the United States and the European Union, and is increasingly important in China. Companies rely on user data to optimize products and advertising programs. But users are worried about abuse of their privacy. How can these issues be addressed?</p> <p>隐私: 隐私在美国和欧洲联盟已成为一个热门的问题，并在中国正变得越来越重要。公司依靠用户数据，以优化产品和广告项目。但是，用户往往担心自己的隐私被滥用。这些问题应如何解决？</p>	90 mins
	<p>Moderator: Aleecia McDonald Director of Privacy, Stanford Center for Internet and Society, Stanford Law School 斯坦福大学法学院互联网与社会中心隐私权方面负责人</p>	5 mins

	<p>Moderator: CHEN Fuli (陈福利) Counselor and Intellectual Property Rights Attachè, Chinese Embassy to the United States 中国驻美国大使馆顾问和知识产权专员</p>	5 mins
	<p>Panelist: Dan Auerbach Staff Technologist, Electronic Frontier Foundation 电子前沿基金会技术专员</p> <p>Topic: How Users Can Fight Back Against Online Tracking 用户可以如何反击在线跟踪</p>	10 mins
	<p>Panelist: Jennifer Granick Director of Civil Liberties, Stanford Center for Internet and Society, Stanford Law School 斯坦福大学法学院互联网与社会中心公民自由方面负责人</p> <p>Topic: Principles of U.S. Government Surveillance and Privacy Law 美国政府监视和隐私法的原则</p>	10 mins
	<p>Panelist: LI Changxi (李长喜) Director and Researcher, Regulations Division, Policies & Regulations Department, Ministry of Industry and Information Technology, People's Republic of China 中华人民共和国工业和信息化部政策法规司法规处处长和研究员</p> <p>Topic: China's Personal Electronic Information Protection System 中国个人电子信息保护制度</p>	10 mins
	<p>Panelist: WANG Xixin (王锡铎) Vice Dean and Professor, Peking University Law School 北京大学法学院副院长、教授</p> <p>Topic: The Role and Responsibility of ISP in the Context of Online Expression-Privacy Tension 表达自由与隐私权的竞争：网络服务提供者的角色与责任</p>	10 mins

	<p>Panelist: ZHOU Hanhua (周汉华) Professor & Researcher, Institute of Law, Chinese Academy of Social Sciences 中国科学院法学研究所教授、研究员</p> <p>Topic: The Formulation of the National People's Congress's Decision on Strengthening the Protection of Network Information and Its Implications 全国人大加强网络信息保护决定的制定及其启示</p>	10 mins
	Q&A	30 mins
6:30-8:00 pm	Microsoft Dinner (Invited Guests Only) 微软晚宴 (仅限受邀嘉宾)	90 mins
May 4, 2013 Paul Brest Hall, Stanford Law School 2013年5月4日 斯坦福大学法学院 Paul Brest 会堂		
8:15-9:00 a.m.	Continental Breakfast 欧陆式早餐	45 mins
9:00-10:30 a.m.	Panel III Intermediary Copyright Liability: Content -- movies, music, books, etc. -- flourishes on the Internet. Yet the technologies that make this possible also allow for nearly costless copying, threatening the interests of rights holders. Governments have taken the lead in addressing these issues, but more recently rights holders have looked to private enforcement mechanisms such as the copyright alert system. What lessons, if any, should China and the U.S. learn from the other's experience? 中介版权责任: 电影、音乐和书籍等内容在网上蓬勃发展。然而这些让互联网蓬勃发展的科技也促成了几乎零成本的盗版模式，威胁着版权人的利益。政府虽已经牵头致力于解决这些问题，然而近期版权人更倾向于利用如版权报警系统的私有执行机制。中、美两国可从对方的经验得到什么启发？	90 mins
	Moderator: Paul Goldstein Professor of Law, Stanford Law School 斯坦福大学法学院教授	5 mins

	<p>Panelist: Giuseppina D'Agostino Associate Professor of Law, Osgoode Hall Law School, York University Founder & Director, IP Osgoode, Osgoode's Intellectual Property Law and Technology Program 加拿大约克大学奥斯古德·霍尔法学院副教授 奥斯古德知识产权法与技术项目—奥斯古德知识产权（IP Osgoode）的创始人和负责人</p> <p>Topic: ISP Copyright Liability in Canada 加拿大互联网服务提供商的著作权责任</p>	10 mins
	<p>Panelist: Jiarui Liu (刘家瑞) Assistant Professor of Law, University of New Hampshire School of Law 新罕布什尔大学法学院法学助理教授</p> <p>Topic: ISP Copyright Liabilities and Safe Harbors in China 中国网络服务商的版权责任与避风港</p>	10 mins
	<p>Panelist: Fred von Lohmann Legal Director for Copyright, Google 谷歌公司版权法务主任</p> <p>Topic: Copyright as Innovation Policy: How Intermediary Liability Defines the Innovation Landscape 版权作为创新政策：中介责任如何影响创新前景？</p>	10 mins
	<p>Panelist: WANG Qian (王迁) Professor, East China University of Political Science and Law 华东政法大学教授</p> <p>Topic: DMCA's Influence on ISP's Liability in China: the Good and the Bad 美国《数字千年版权法案》对中国网络服务提供者责任的影响：有利的方面和不利的方面</p>	10 mins
	<p>Panelist: Xuan Yun (云轩) Director of IP Policy & Enforcement, Microsoft China 微软（中国）有限公司知识产权政策和保护总监</p> <p>Topic: Fighting Online Piracy: How to Bring Right Holders, Intermediary, Law Enforcement Organs, and Internet Users Together? 打击网络盗版：如何让权利人、中介、执法机关和网络用户通力合作？</p>	10 mins

	<p>Panelist: Parker Zhang (张勃) Director of Patent Strategy, Baidu 百度专利事务部总监</p> <p>Topic: Baidu on IP Rights 百度对知识产权的看法</p>	10 mins
	Q&A	25 mins
10:30-10:45 a.m.	Tea Break 茶歇	15 mins
10:45 a.m.- 12:15 p.m.	<p>Panel IV</p> <p>Virtual Items:</p> <p>Who owns virtual items? To what extent do the Terms of Service of a site operator or an app provider limit a user's "ownership" of items? A combination of property, intellectual property, and contract laws has been used to regulate the ownership and exchange of these virtual "goods" thus far. In this panel, we explore the tensions that may arise between these doctrines as the markets in China and the United States evolve and increasingly overlap.</p> <p>虚拟物:</p> <p>谁拥有虚拟物? 网站或应用程序运营商的服务条款如何限制用户对这些虚拟物的所有权? 一直以来, 网上虚拟物的所有权和交易都受到物权法、知识产权法及合同法所规制。在本环节中, 我们探讨在中美两国市场发展且日益重合的背景下, 这些法律原则之间可能产生的冲突。</p>	90 mins
	<p>Moderator: Andy Y. Sun (孙远钊) Visiting Chair Professor, Tongji University College of Law 同济大学法学院访问客座教授</p>	12 mins
	<p>Panelist: Joshua Fairfield Associate Professor of Law, Washington & Lee University School of Law 华盛顿与李大学法学院副教授</p> <p>Topic: Virtual Gravity: The Path and Velocity of Virtual Property 虚重力: 虚拟财产的路径与周转率</p>	12 mins

	<p>Panelist: Jason Si (司晓) Associate General Counsel and Secretary General of the Legal Research Center, Tencent 腾讯公司助理总法律顾问、法律研究中心秘书长</p> <p>Topic: Research on Issues Concerning the Ownership and Transactions of Virtual Property 网络虚拟物的归属及交易问题研究</p>	12 mins
	<p>Panelist: Stephen Smith Managing Partner, Greenberg Glusker LLP Greenberg Glusker 律师事务所管理合伙人</p> <p>Topic: Virtual Property: Two Real World Case Studies and the Nightmare Scenarios 虚拟财产: 现实世界中的案例研究两则与噩梦般的场景</p>	12 mins
	<p>Panelist: YANG Ming (杨明) Assistant to the Dean & Associate Professor, Peking University Law School 北京大学法学院副教授、院长助理</p> <p>Topic: The Ownership of Virtual Items 虚拟物品的权属</p>	12 mins
	Q&A	30 mins
12:15-1:45 p.m.	Lunch and Keynote Speech 午餐和主题演讲	90 mins
	Keynote Speech 主题演讲 (1 – 1:45 p.m.)	45 mins
	<p>Moderators: M. Elizabeth Magill Dean, Stanford Law School 斯坦福大学法学院院长</p> <p>ZHANG Shouwen (张守文) Dean, Peking University Law School 北京大学法学院院长</p> <p>Keynote Speaker: Judge Randall R. Rader Chief Judge of the United States Court of Appeals for the Federal Circuit 美国联邦巡回上诉法院首席法官</p> <p>Q&A</p>	

2:00-3:30 p.m.	Panel V	<p>Patent Litigation:</p> <p>How do the U.S. and Chinese patent systems encourage software and high-tech innovation? How are damages calculated in these two patent systems? What is the patent-eligibility of software? How important are patent acquisition and litigation to securing freedom to operate?</p> <p>专利诉讼:</p> <p>美国和中国的专利制度如何鼓励软件和高新技术的创新? 专利侵权损害赔偿如何在这两个专利制度中计算? 软件是否有被授予专利的资格? 专利的获取和诉讼对确保自由操作有多大的重要性?</p>	90 mins
	<p>Moderator: Colleen Chien Assistant Professor, Santa Clara Law School 圣克拉拉大学法学院助理教授</p>		5 mins
	<p>Moderator: Singer John Huang (黄绅嘉) Co-Director, Institute for Internet Law, Peking University Law School 北京大学法学院互联网法律中心共同负责人</p> <p>Opening Remarks: Comparing the Chinese and U.S. Patent Systems for Promoting Innovation 开场白: 比较中美专利制度对鼓励创新的异同</p>		5 mins
	<p>Panelist: Neel Chatterjee Co-Chair, Intellectual Property Group, Orrick 奥睿律师事务所知识产权部联席主席</p> <p>Topic: Does the U.S. Litigation System Promote Software/Internet Innovation? 美国诉讼制度是否促进软件/互联网行业的创新?</p>		10 mins
	<p>Panelist: Roger Shang (尚青松) Chief Patent and Technology Counsel, Alibaba Group 阿里巴巴集团首席专利与技术律师</p> <p>Topic: Patents and innovation in China 中国的专利与创新</p>		10 mins

	<p>Panelist: Duane R. Valz Senior Patent Counsel, Google Inc. 谷歌公司资深专利律师</p> <p>Topic: The U.S. & Chinese Patent Systems: The New Dialectics of Innovation? 美国和中国的专利制度：新的创新辩证法？</p>	10 mins
	<p>Panelist: Judge Ronald Whyte Judge of the United States District Court for the Northern District of California 加州北区联邦地方法院法官</p> <p>Topic: Remedies For Patent Infringement In The United States 美国的专利侵权救济</p>	10 mins
	<p>Panelist: ZHANG Ping (张平) Professor of Law, Peking University Law School 北京大学法学院教授</p> <p>Topic: In Hatred and In Love: Patent Competition on Internet Open Platform “恨爱交加”——互联网开放平台的专利竞争</p>	10 mins
	Q&A	30 mins
3:30-3:45 p.m.	<p>Closing Ceremony 闭幕</p> <p>Speaker: M. Elizabeth Magill Dean, Stanford Law School 斯坦福大学法学院院长</p> <p>Speaker: ZHANG Shouwen (张守文) Dean, Peking University Law School 北京大学法学院院长</p>	15 mins