



DELBERT HOSEMANN
Secretary of State

2010 Business Reform Committees
Minutes of the Technology and Intellectual Property Laws Study Group, Meeting #1
June 22, 2010

The first meeting of the Technology and Intellectual Property Laws Study Group was called to order at 11:00 a.m. on Tuesday, June 22, 2010, at the Secretary of State's Office, 700 North Street, Jackson, Mississippi. A list of the persons who were present is attached as Exhibit A.

Introduction

Cheryn Baker, Assistant Secretary of State, Policy and Research Division, welcomed everyone to the meeting and described the purpose of the study group.

Opening Remarks

Study group Chair Danny Drake welcomed the group and thanked the members for their participation. The meeting was then turned over to Doug Jennings, Senior Attorney for the Policy and Research Division, who gave an outline of potential issues to be addressed by the study group.

Outline of Issues

Potential changes to Mississippi's Uniform Trade Secrets Act. Mr. Jennings stated that Mississippi's version of the Uniform Trade Secrets Act is almost completely identical to the text of the uniform act, and suggested that the group consider changes made by other states since the act's adoption to see if similar measures should be adopted in our state. Further, Jennings noted that Mississippi's trade secrets laws had been modified by at least two decisions by the Mississippi Supreme Court, and that the group should consider whether to codify the holdings in those cases.

Adopting a right of publicity statute. Next, Jennings suggested that the group consider whether to adopt a statute recognizing the right of publicity in Mississippi. This right gives every individual the right to control prohibit unauthorized commercial exploitation of his or her name or likeness. Jennings stated that many states have recognized this right by statute, but that in Mississippi the right is only recognized at common law. Jennings also said this issue had been considered briefly by the Trademark Laws Study Group two years ago, but that no action was ever taken on that item. Jennings stated that the Policy and Research Division had drafted a proposed Mississippi Right of Publicity Act and had included it in the meeting materials for the study group members to consider.

Considering changes to the Uniform Commercial Code. The next topic discussed by Mr. Jennings was that the study group might want to consider making changes to the Uniform Commercial Code (UCC) dealing specifically with computer and software transactions. Jennings explained that a number of national groups had been studying and considering such changes over the past ten years, but that these changes were highly controversial and had only been adopted by two states. Jennings stated that the group might want to consider studying the most recent effort in this line, the American Law Institute's *Principles of the Law of Software Contracts*, a move strongly endorsed by Secretary Hosemann.

Addressing the Mississippi Development Authority's exclusion of the value of intellectual property assets in evaluating investment thresholds. Study Group member Otis Tims explained that the Mississippi Development Authority currently excludes the value of intellectual property assets in computing whether businesses meet certain investment thresholds required for incentives such as tax credits. Tims explained that the study group should consider endorsing a statute requiring intellectual property assets to be included in these calculations.

Comment on Incentives by Secretary Hosemann

Secretary Hosemann stated his belief that Mississippi is in need of more and greater incentives to attract technology-based businesses, and expressed the need for Mississippi to better foster the growth of home-grown technology businesses. Further, Secretary Hosemann said that Mississippi's laws should be revised to support software development and to better protect the intellectual property created by all businesses.

Additional Topics

Mr. Jennings opened the floor for the members to recommend additional topics for the study group's agenda. Among the topics recommended by the members were:

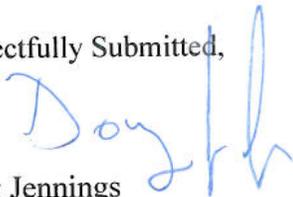
- Considering legislation addressing privacy and the handling of personal information by companies operating on the web;
- Better protecting trade secrets during litigation, particularly during discovery;
- Considering incentives to attract capital-efficient businesses to Mississippi; and
- Finding ways to commercialize technology developed by Mississippi's universities.

Reminders of Upcoming Meetings and Other Business

Mr. Jennings reminded the members of the upcoming meeting on July 20, 2010, and indicated that the Uniform Trade Secret Act and the right of publicity would be discussed in more detail at that meeting.

With no further business to discuss the meeting was adjourned at 12:55 P.M.

Respectfully Submitted,



Doug Jennings
Senior Attorney, Division of Policy & Research
Mississippi Secretary of State

EXHIBIT A

Minutes of the Technology and Intellectual Property Laws Study Group, Meeting #1 June 22, 2010

In Attendance:

1. Joel Bomgar
2. Stephen J. Carmody
3. Jason S. Dean
4. Larry Bruce Deer
5. Danny A. Drake
6. Marcial D. Forrester, Jr.
7. John J. Healy, III
8. Henry Jones, II
9. Jim Mingee
10. Whit Rayner
11. William Wilkins
12. Martin Willoughby

Attending by Phone:

1. Meaghin Burke
2. Michael D. Goggans
3. Greg Hinkebein
4. Wendy R. Mullins
5. David Pharr
6. Ravi Raju
7. Otis Tims

Secretary of State's Staff:

1. Secretary of State Delbert Hosemann
2. Cory Wilson, Chief of Staff, Mississippi Secretary of State
3. Cheryn Baker, Assistant Secretary of State, Division of Policy & Research
4. Tom Riley, Assistant Secretary of State, Business Services Division
5. Doug Jennings, Senior Attorney, Division of Policy & Research
6. Pamela Weaver, Director of Communications, Mississippi Secretary of State
7. Richard Lee, Legal Intern, Division of Policy & Research
8. Phillips Strickland, Legal Intern, Division of Policy & Research