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   By: John Morrissett

February 10, 2012

Dear Readers:

The *Richmond Journal of Law and Technology* is proud to present its second issue of the 2011-2012 academic year.

The *Journal* strives to discuss new and emerging issues that fall squarely at the intersection of technology and the law. As we enter the new year, we must remain mindful of the ever-growing role that technology plays in our daily lives. In that vein, the *Journal* believes it is our mission to promote a relevant and timely discussion on technology-related legal issues.

In our first article, "Virtual or Reality: Prosecutorial Practices in Cyber Child Pornography Ring Cases," Michal Gilad addresses the need for prosecutors to implement enterprise-oriented strategies when prosecuting cases involving complex and sophisticated child pornography rings. Child pornography rings are responsible for committing crimes in cyberspace and meatspace, therefore, prosecutors must utilize existing criminal conspiracy doctrines to ensure that all members of the ring, whether possessors and distributors or actual physical abusers, are responsible for the harm caused by the group as a whole.

In our second article, "Orphan Works at the Dawn of Digitization," Kelu Sullivan discusses the legal issues surrounding orphan works in the context of digital books. As a benchmark, Sullivan analyzes the proposed but ultimately rejected Amended Settlement Agreement from *Authors Guild v. Google, Inc* suit filed in the Southern District of New York. Sullivan offers a hybrid approach to solving the orphan works problem by combining elements derived from existing legislation and the Amended Settlement Agreement. These elements require creating an orphan works registry, issuing compulsory license fees, and establishing a private licensing body to assist third-parties in digitizing copyright protected works whose owners cannot be located.

Finally, in his article entitled "i 4 an i: Why Changing the Standard for Overcoming the Presumption of Patent Validity Will Cause More Harm Than Good," John Morrissett analyzes the practical effects of the Supreme Court's decision in *Microsoft Corp. v. i4i Ltd. P'ship*. Morrissett agrees with the Court's decision to maintain the clear and convincing standard for disputes regarding patent validity. However, Morrissett acknowledges that maintaining a

heightened standard may lead to substantial unfairness in cases where prior art was never considered by the PTO during the patent approval process, and proposes a legislative solution to address these situations.

On behalf of the entire 2011-2012 *Journal* staff, I extend our sincerest thanks for your continued readership. I would like to recognize the hard work and dedication of our staff who have spent countless hours working to complete this issue. I would especially like to thank our faculty advisors, Professors Melanie Holloway, Chris Cotropia and Jim Gibson for their invaluable guidance. Also, without the support of the University of Richmond School of Law this publication would not be possible.

The *Journal* is sure you will enjoy our second issue. As always, your comments and suggestions are welcome at jolt@richmond.edu.

Best regards,

Ian Lambeets
Editor-in-Chief

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